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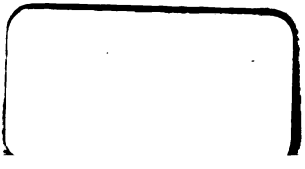

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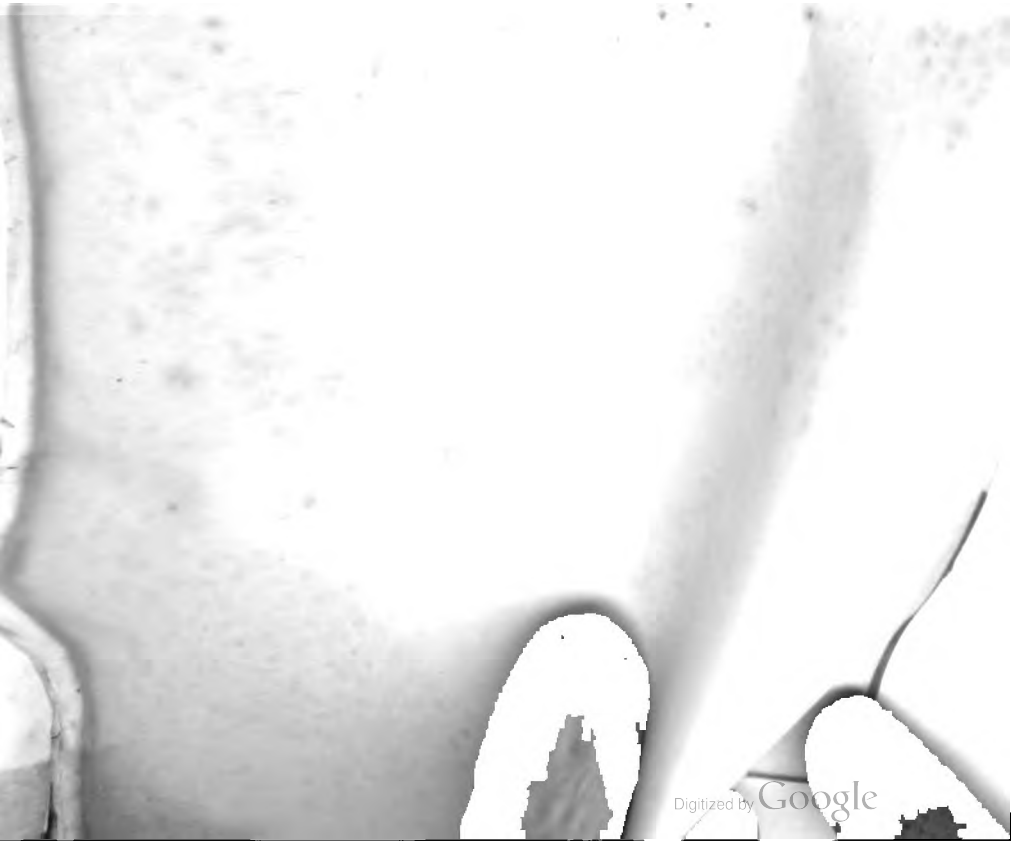
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MIRROR

OF

PARLIAMENT.

SESS. 1839.

VOL. IV.

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LONDON:
Printed by A. SPOTTISWOODE,
New-Street-Square.

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THE

MIRROR

OF

PARLIAMENT.

FOR

THE SECOND SESSION OF THE
FOURTEENTH PARLIAMENT OF GREAT BRITAIN AND IRELAND,

IN THE

SECOND AND THIRD YEARS OF THE REIGN OF QUEEN VICTORIA,

APPOINTED TO MEET FEBRUARY 5. AND FROM THENCE
CONTINUED TILL AUGUST 27. 1839.

EDITED BY

JOHN HENRY BARROW, Esq.

BARRISTER AT LAW.

SESSION OF 1839.

VOL. IV.

LONDON:

PUBLISHED BY

LONGMAN, ORME, BROWN, GREEN, & LONGMANS,
PATERNOSTER-ROW; JOHN MURRAY, ALBEMARLE-STREET;
AND
J. RICHARDS & CO., FLEET-STREET.

1839.

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HOUSE OF LORDS, MARTIS, 4° DIE JUNII, 1839.

APPEALS.

Ewing *v.* Burns.—Consideration of the cause (which stood appointed for this day) put off to Thursday next.

Persse *v.* Persse.—Petition of the appellant to postpone the hearing.—Read, and referred to the Appeal Committee.

Phipps *v.* Ackers.—Petition of the appellant for hearing before the judges, as proposed by the House.—Read, and referred to the Appeal Committee.

EARL OF SEFTON'S CLAIM TO VOTE FOR REPRESENTATIVE PEERS FOR IRELAND.

Committee for Privileges to meet on Thursday next.

EARL OF GALLOWAY'S ESTATE BILL.

The Duke of Richmond and the Lord Bateman, in their places, consented to the Bill.

NICOLA IVANOFF.

A Bill for naturalising, was (on petition) presented, and read a first time.

LARDNER'S DIVORCE BILL.

Returned from the Commons, agreed to.

EARL OF STAMFORD AND WARRINGTON'S ESTATE.

Judges' Report received, and Bill read a first time.

COMMISSION.

The following Bills received the Royal assent:—Dean of Exeter, &c. Appointment Bill; Seditious Societies Act Amendment Bill; Designs Copyright Extension Bill; Purchasers' Protection Bill; British Museum Bill; Staffordshire Potteries (Stipendiary Justice of the Peace) Bill; Great Western Railway Bill; London and Southampton Railway (Portsmouth Branch) Bill; London and Greenwich Railway Bill; London and Croydon Railway Bill; Perth Harbour and Navigation Bill; Hereford and Gloucester Canal Bill; Cheltenham Water Works Bill; Rochdale Water Works Bill; Wearmouth and Tyne Bridge Roads Bill; Cullompton Road Bill; Rugby and Warwick Road Bill; Berkeley Inclosure Bill; Totley or Dronfield Inclosure Bill; Unstone Inclosure Bill; Ringstead Inclosure Bill; Napier's Divorce (India) Bill.

The EARL of SHAFTESBURY sat Speaker.

House adjourned during pleasure, and resumed by the LORD CHANCELLOR.

BARTON INCLOSURE BILL.

The Earl of Rosebery added to the committee, in the place of the Earl de Lawarr.

BELPER SMALL DEBTS BILL.—EDINBURGH, LEITH, AND NEWHAVEN RAILWAY BILL.—LONDON AND BIRMINGHAM RAILWAY BILL.

Read a second time, and committed for Friday next.

DOVER, DEAL, AND SANDWICH ROAD BILL.

Report from the Select Committee appointed for proposing Committees on Opposed Bills, that the following Lords be selected and proposed to the House to form the select committee for the consideration of the Bill; namely,—

The Earl of Plymouth,
The Earl of Wicklow,
The Lord Byron,
The Lord Sudeley,
The Lord de Freyne.

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Agreed to, and the said Lords appointed accordingly; the committee to meet on Thursday next, at eleven o'clock; and the petition (presented on the 23d of April last) of inhabitants of Deal, against the 7th and 10th sections of the Bill, referred to the committee.

GREAT NORTH OF ENGLAND RAILWAY BILL.

Reported, with amendments.

BARTON INCLOSURE BILL.

Several witnesses ordered to attend.

MORVILLE AND SHIPTON ROAD BILL.

Reported specially, without amendment.

LIVERPOOL AND MANCHESTER RAILWAY EXTENSION BILL.

Reported specially, with amendments.

BALLOCHNEY RAILWAY BILL.

The House being informed by the Chairman of Committees, that the opposition to this Bill was withdrawn, the order made on the 15th of May last, for the committee to be proposed by the Lords' Committees appointed for proposing Committees on Opposed Bills, was discharged, and the Bill committed to all the Lords present this day; the committee to meet on Thursday next.

COMBERTON INCLOSURE BILL.

Read a third time, with the amendments; Bill passed, and sent to the Commons.

OVER DARWEN GAS BILL.— LEEDS AND HAREWOOD ROADS BILL.

Brought from the Commons, and read a first time.

PARRETT NAVIGATION BILL.

Petition of persons living at or near Crewkerne, in favour.— Read, and referred to the committee on the Bill.

CAMBER QUAYS (PORTSMOUTH) BILL.

Brought from the Commons, and read a first time: Also, a petition of William Hatfield, one of the burgesses of the borough of Portsmouth, complaining that the Standing Orders had not been complied with, and praying to be heard by himself, his agents, and witnesses, in support of the allegations of his petition; read, and ordered to lie on the table.— Bill referred to the Standing Order Committee on Tuesday next; and the above petition also referred to the committee.

STAFFORDSHIRE POTTERIES POLICE IMPROVEMENT BILL.

Returned from the Commons, with the amendments agreed to.

BRISTOL AND GLOUCESTER RAILWAY BILL.

Report from the Select Committee appointed for proposing Committees on Opposed Bills, That the following Lords be selected and proposed to the House to form the select committee for the consideration of the Bill; viz.,—

The Earl of Zetland,
The Lord Gage,
The Lord Colchester,
The Lord Bexley,
The Lord Heytesbury.

Agreed to; and the said Lords appointed accordingly: the committee to meet on Tuesday next, at eleven o'clock: and the petitions in favour, and the petitions against, and also the petitions praying to be heard by counsel against, severally referred to the committee, with leave to those praying to be heard by counsel, to be heard, as desired; as also counsel for the Bill.

PERTH POLICE BILL.

Reported, with amendments.

EXCHEQUER OF PLEAS BILL.

House in committee (according to order); Bill reported, without amendment; to be ingrossed; and to be read a third time on Monday next.

CHURCH DISCIPLINE BILL.

The BISHOP of EXETER and the BISHOP

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of Gloucester and Bristol presented petitions against, — of the archdeacon and clergy of the archdeaconry of Berks: of clergy of the deaneries of Totnes and Woodley; East Pyder; West Powder; Penwith; Stow; Dursley; Hawkesbury; Holdsworthy; Plymton; Tamerton and Tavistock; Oakhampton; Gloucester; East Powder; Ipplepen and Moreton; Campden; Bristol; Kirrier; Malmesbury; and Trigg Major: of clergy of Great Torrington; and Leeds: and of clergy assembled at Bodmin at the visitation of the Venerable the Archdeacon of Cornwall. — Read, and ordered to lie on the table.

SCOTCH CHURCH.

Lord Brougham presented petitions against the further endowment of, — of inhabitants of Lennoxtown. — Read, and ordered to lie on the table.

POSTAGE.

The Duke of Richmond, Lord Portman, Lord Brougham, and Lord Teynham presented petitions for the reduction of the rate of, — of clergy, gentry, merchants, tradesmen, and others of Ballinrobe: of the mayor, aldermen, and burgesses of Higham Ferrers: of students of the University of Edinburgh: of the committee of the Institution for the Diffusion of Knowledge, Preston: of members of the Belfast Mechanics' Institute, Belfast: of members of the council of the Phrenological Society, Preston: of the Incorporation of Skinners, Glasgow; of the Incorporation of Cordiners, Glasgow: of inhabitants of Frome; Cirencester; Bath; Northampton; Tattingstone; Shelf; Rixton; Hammersmith; Llanbrynmair; Cemmes and Darowen; Donington; Market Harborough; Newburgh; and Bruton: of the Devizes Literary and Scientific Institution: and of representatives of several societies, Liverpool. — Read, and ordered to lie on the table.

Also, similar petitions of the Westminster Reform Society; and of the inhabitants of Hammersmith, in vestry assembled. — Read, and ordered to be received as the petitions of the chairmen, who, only, have signed them.

ARCHBISHOP OF TUAM.

LORD TEYNHAM. — I beg to state, with respect to the reverend gentleman, on whom a Noble Lord opposite, last night, animadverted, that that individual, I am convinced, had no intention of breaking the law when he signed his name as "Archbishop of Tuam." There is no man less likely to do anything wilfully, that could have any tendency to break the law, than that distinguished individual.

LORD WHARNCLIFFE. — I stated the fact on the authority of an extract from a newspaper which was on the same side of the question, in politics, as the individual alluded to; and I still persist that, if he did sign his name in this way, it was the duty of the Government to interfere.

THE PRESS IN MALTA.

LORD BROUGHAM. — I beg to state that what I advanced, on a former occasion, by way of conjecture, has now turned out to be true, — namely, that the Noble Lord the late, and the Noble Lord the present, Secretary for the Colonies, have relied too much upon the statements of a Mr. Mitrovich, a petitioner to this House, who is described as an agent of the people of Malta, and who represented, in his petition, that the Maltese were quite satisfied with the present state of the press, and prayed that the ordinances might not be revoked. I said, at the time, that I suspected Mitrovich had no right to make these statements, — that he was not an accredited agent of the people of Malta, — and that he had no more authority from them than I had, nor so much. I now hold in my hand two newspapers from Malta, in which they disclaim Mitrovich, and say that they have had nothing to do with him. The papers, moreover, are full of the debate in your Lordships' House; and one of them contains a very long argument against the ordinances, and in support of my arguments. I never knew anything of the kind more atrocious, than that this gentleman should pass as the agent of the people of Malta, without having a shadow of authority from them.

The MARQUESS of NORMANBY. — I never mentioned the name of this person as agent for Malta; I said that I had received a letter from Mitrovich, but I never spoke of him as an agent. As to the reception of the ordinances in Malta, I have this day received despatches from the Governor, and he gives a very different account of the matter from that which appears in the newspapers referred to by the Noble and Learned Lord.

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LORD BROUGHAM. — There can be no doubt that the Governor will give his own opinion of the ordinances; the Maltese journals will give theirs; and the result will show whether the Governor or the Maltese themselves most truly describe their own feelings.

CANADA.

LORD LYNDHURST. — I understand that a committee of the House of Assembly of Upper Canada, and also of the Legislative Council, have made a Report to the Noble Earl who lately held the office of Lord High Commissioner. I wish to know whether the Noble Marquess at the head of the Colonial Department will have any objection to lay a copy of it on the table?

The MARQUESS of NORMANBY.— I do not anticipate that there will be any objection. The Noble and Learned Lord will, perhaps, move for a copy to-morrow.

LORD LYNDHURST. — I understand, also, that the Legislative Council of Upper Canada have come to certain resolutions respecting the union of the two provinces, and have declared that they are decidedly opposed to the measure of union, except upon certain specific terms. Will the Noble Marquess have any objection to lay a copy of those resolutions on the table?

The MARQUESS of NORMANBY.— I shall certainly have no objection. I will just remind the Noble Lord how the case stands. The Legislative Council have negatived the proposition of the union; but the House of Assembly have passed the resolutions to which the Noble Lord alludes, and have attached to them the conditions of which he speaks.

CHURCH DISCIPLINE BILL.

The LORD CHANCELLOR. — I rise for the purpose of moving the committal of the Church Discipline Bill. Your Lordships may recollect that, at the close of last Session, a Bill, similar in principle to the present measure, was brought under your notice. It was read a second time; and I believe, on the third reading, some opposition being raised on the suggestion of a Most Reverend Prelate, the Bill was withdrawn for the time. I mention this fact, lest it may be supposed that your Lordships are now called upon to give your assent to a measure which you, on a former occasion, rejected. I should be glad if the interval of time that has passed since last July had removed the opposition then manifested to the principle of this Bill; but as I have no reason to suppose this to be the case, — but, on the contrary, every reason to suppose it is not so, — it is my duty to explain to your Lordships the evils which it is proposed to remedy, and the nature of the remedies to be applied. In detailing the present state of the law, I shall be guided by a document which must be considered, for the present purpose, as of the highest possible authority, — the Report of the Ecclesiastical Commissioners of 1832. That commission was comprised of a considerable number of bishops, and of judges, or eminent lawyers who afterwards became judges. There were, therefore, as many ecclesiastical and legal authorities on that commission as could well be selected to investigate a question of this nature. They were naturally led to inquire into the present state of the law with respect to the power of enforcing church discipline, — that is, correcting the errors and crimes occasionally committed by members of the clergy. They state in their Report, very clearly and very fully, the history of the law on the subject. In the early part of British history, during the first establishment of Popery, they show that unlimited powers were given to the bishops over their clergy. In those times, the bishop was at liberty to call on any clergyman, who was supposed to have committed an offence, to clear himself by an oath, and through the agency of compurgators; and if the bishop were not satisfied with the result of the investigation, he possessed the largest possible powers of removing or suspending the clergyman. In the reign of Henry VII., an Act passed, which gave unlimited power to the bishop, at least over the benefices possessed by the clergy. He was authorised to exercise jurisdiction, in his own person and of his own right, over all who might be within the diocese. Such was the state of the law up to the period of the Reformation. At that epoch great changes were made in this respect, as in all others; and, by a statute of Henry VIII. against heresy, it was declared that "it standeth not with the right order of justice or equity that any person should be convicted and put to the loss of his life, good name, or goods, unless it be by due accusation, by witnesses, or by presentment, or confession, or process." The right to call on a clergyman to discharge himself of any imputed

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offence by oath was taken away by that statute. I will read another passage from the Report, which will at once show your Lordships what changes were made at the Reformation, and what the state of the law has been from that period down to the present:—

> In the beginning of the next century, Bishop Gibson was desirous of reviving, in the diocese of London, the summary mode of proceeding against clergymen, especially in cases of non-residents; but the persons claimed a hearing, and asserted the right of defending themselves according to the rules and practice of ecclesiastical courts, and it was ultimately found impossible to resist that demand. Proceedings against clergymen for ecclesiastical offences have accordingly, in modern practice, been uniformly conducted by the same rules and proceedings as are observed in other cases in civil jury courts.

This extract, considering who were the members of the commission, leaves no doubt of the state of the law at present. The statute of Henry VIII. has never been actually in force since the Reformation, but it still remains the law of the land. It is as yet on the statute book, and being unrepealed, must be held to be law, but not for the purpose of being put in force; for if that were attempted, the necessity for its repeal would become immediately manifest. One object of the present Bill is to repeal this statute. If such be the state of the law, and if proceedings against clergymen must be commenced, as beyond all question they must be, not at the discretion of the bishop, but by suits in the ecclesiastical courts, I would ask your Lordships to look at the state of those courts, and then say whether the law can remain as it now stands. The report furnishes me with the means of showing your Lordships the condition of those courts. I speak not of the courts of the archbishop, or of the diocesan courts of the bishops, which are sufficiently well known; but perhaps your Lordships may not be aware that, besides those superior courts, nearly 300 other ecclesiastical courts are in existence. It is not to be supposed that all these have a jurisdiction for trying criminal offences of clergymen. One great misfortune is, that nobody knows which court has jurisdiction, and which has not; it is impossible for the parties to discover in which court they should institute proceedings. A great object of this Bill is to take away from all the ecclesiastical courts, except those of the archbishops, the power of trying such offences; for that they are totally unfit and incompetent to be trusted with such a duty, I apprehend, no one can doubt. In some of them the judges are not lawyers; many of them are presided over by deputies, at a salary of 10*l.* 10*s.* per annum, — men of no experience or learning; and yet the inquiries instituted before them may involve, not merely the fortunes and worldly interests of clergymen, but their names and characters. The average number of the causes that come before these courts in a year, does not give more than one half cause to each court, so that there is no opportunity of obtaining the advantage of experience and practice; and at the same time, from the multitude of the modes of appeal that exist, there are caused the greatest delay, expense, and vexation. I am sure your Lordships will be somewhat surprised, when I tell you that in one instance, where a clergyman was prosecuted by his diocesan for a grave offence, the litigation lasted five years, and the bishop was put to an expense of 1500*l.* If such be the abuses of this jurisdiction, the question is, what remedy ought to be applied to them? The commissioners, looking to the whole character of the ecclesiastical jurisdiction, recommended that the smaller courts should be abolished, and all their business conducted in the courts of the archbishops. In 1836 a Bill was introduced into this House, founded on the recommendations of the commissioners, though not adopting all of them. According to that Bill, the bishop was to be the head of the court, and was to be assisted by an assessor, who would be, practically, the judge; and there was also to be a jury of clergymen to try the offence, and deliver a verdict upon it. Your Lordships approved of that measure, which passed through this House without opposition; but, as the clergy were opposed to it, a great cry against it rose up in the country, and the Bill made no progress in the other House of Parliament. That was in 1836. In 1837, I was anxious to obtain the concurrence of the Ecclesiastical Commissioners, before I introduced another measure on the subject. The Session, however, passed over, and nothing was done in it upon this matter. In 1838, the present plan, or at least a plan very similar to it, was introduced into Parliament, and with the concurrence of the archbishops. I certainly cannot say that it met with the unanimous support of the Right Reverend bench, but it met with very general approbation from the members of it. The plan, however, was subsequently withdrawn. I now bring it forward again with some slight alterations. Formerly, the appeal was to the court of the archbishop now it is to the Court of Arches, which is always presided over by a learned judge,

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and which has always the benefit of the presence of a learned bar.

It has been said that there is a spirit in the Bill which evinces a strong tendency to interfere with the jurisdiction of the bishops. Now, if this Bill did take any jurisdiction from the bishops,—which I will hereafter show that it does not,—it would only be doing that directly by a tribunal in London, which is already done indirectly by a tribunal in the country. I call upon your Lordships to consider how the law, on this subject, now stands. You cannot take any jurisdiction from the bishops in this respect, because they have no jurisdiction in it at present, for there are various processes by which all suits of this nature are, even now, taken from the bishops' jurisdiction. First of all, the judge of the inferior court can send the suit, by "letters of request," up to the Court of Arches. Next, either party to the suit may apply for these letters of request,—and when once applied for, they cannot be refused. Furthermore, if either of them appeal to the Court of Arches, on an interlocutory decree relating to a point comparatively immaterial, the whole suit must be transferred from the bishop's court to the Court of Arches, who may keep it before them as long as they please. Any party, therefore, has the means at present of taking his suit to the Court of Arches, but at a great expense,—which this Bill will, for the future, spare him. As far, then, as the bishops' courts are affected, this Act only gives the power of doing, directly, that which is already done, indirectly. I likewise deny that any additional expense will be incurred by suitors, in consequence of this Bill; for even at present, all the important business of the bishops' courts is transacted, and all the important papers and documents are drawn up, in London, and afterwards are sent down to the different courts in the country, to be there decided upon by the different judges. The questions tried in these courts may involve questions of facts. Now, it is proposed by the Ecclesiastical Commissioners, in their Report, that in such cases the parties and witnesses shall be examined *vivâ voce*. That proposition would require the attendance of the witnesses at the places where the courts sit. But though it is necessary to the interests of justice that there should be this power of examining witnesses *vivâ voce* in all cases, there are many instances in which it is not requisite to exercise that power. The Bill, therefore, provides that certain cases, according to the course now pursued in the Court of Review in Bankruptcy, shall be tried upon affidavit; but it also provides that in other cases, the witnesses shall be examined *vivâ voce*, and the issue of facts be tried by the judges as they proceed on their different circuits. The Bill has the merit, therefore, of providing means for saving the suitors' expense, and for obtaining a satisfactory trial of facts. Now, if your Lordships are all convinced that something ought to be done on this subject, and that speedily, the only question is, whether you will give your support to the measure recommended in the Report of the Ecclesiastical Commissioners, or to the measure which I have just introduced to your notice? I have stated the reasons why I think my own is the better plan, and I hope that your Lordships will give it your sanction and approbation.

The ARCHBISHOP of CANTERBURY.—As the Noble and Learned Lord has explained the nature of the present Bill in its legal bearings, I do not feel myself called upon to follow him in a track in which I am greatly his inferior; but, from the situation which I hold, from the share I have taken in this subject, and from the objections which have been urged against the present measure, it would not be consistent with the respect which I owe this House, with my duty to the country, and with justice to myself, if I did not now offer a few words. Of the importance of this subject there can be no doubt whatever. I have heard much of the necessity and of the justice of passing, for the sake both of the church and of religion, some measure by which there should be a more speedy mode provided of punishing those clergymen who injure the church, either by gross violations of morality, or by the neglect of their duties in other respects. If there be a coercive power to punish them, it is quite clear that there must be a tribunal to exercise that power,—and that, too, a vigorous and effective tribunal. We all know the regret expressed by the bishops for the duties they are unable to perform; and all of them agree that there is ground for complaint against, and that the country suffers much from, the present state of our ecclesiastical tribunals. The cry of the public on that subject is universal, and must be attended to. The delays which occur in those tribunals are excessive, and tend to discourage all prosecutions for gross offences against the church; and yet, now, when an attempt has been made to remedy and improve the condition of those courts, I have been accused, as a member of the commission, of a grave offence against the church, for having joined in that attempt.

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I have heard, with great surprise, the language which a Right Reverend Prelate has deemed it consistent with his duty as a Christian pastor to use upon the subject. The Right Reverend Prelate has said that he should consider himself a traitor to the church if he were to agree to such a measure as the present. Now, the natural inference from that language is, that all who support this Bill are either traitors to the church, or labouring under great imbecility or perversion of mind.

But, now, as regards the Bill itself. The sentence of deprivation may be pronounced by the bishop in person, but still it is to be considered the sentence of the judge who presided at the trial. It is only to give additional assurance to the public that the bishop approves of the essence of the sentence, — that Lord Stowell considers the bishop's residence necessary. The bishops have, therefore, acted very properly and wisely in transferring the power to others; for it can hardly be exercised more inconveniently than by the bishop in person. But is it a power in daily use? It appears that, within the five years preceding the commission, there were only fifteen prosecutions, excluding the province of York, in twenty-two dioceses. Surely that cannot be an essential power which is so rarely exercised. It is also an inefficient, troublesome, and expensive power. In many cases, the expense is almost ruinous to both parties. I may say that this power, which is hardly alive, which shows no signs of life, cannot be a very important one. Everybody knows its inefficiency. What, then, is the remedy which ought to be applied? After what has been stated by the Noble and Learned Lord on the woolsack, I think your Lordships will agree with me that the Bill of 1836 would not supply the best remedy: at the same time that measure was recommended by the commissioners, and brought forward at a time when, in consequence of the case of Dr. Freer, the cry was so loud and general as to the necessity of something being done. But I must say, that calling upon the clergy to sit as a jury upon their fellow clergy, is an extremely objectionable course, and cannot but be extremely hurtful to the feelings of all so employed. Now, with respect to the Bill before your Lordships, I beg to state that, in my views respecting it, I find myself supported not only by the authority of that learned and eminent individual, Dr. Lushington, but by the authority of many others whose opinions well deserve the serious attention, and are well entitled to the respect, of this House. Amongst the number is that of Chief Justice Tindal. Moreover, I have consulted every one of my Right Reverend and Learned Brethren now in London, and they have, all of them, expressed their approbation of the measure. It occasions me no small regret, to find that some of my Right Reverend Brethren in this House entertain different sentiments, with reference to this Bill, from those which I am bound conscientiously to express. I regret that these differences should unhappily exist; I think they had much better have been settled amongst themselves than in public debate. Several petitions have been laid upon the table of your Lordships' House, and several letters have been published in the newspapers, taking notice of and discussing the merits of the measure. It has been opposed, also, and that very strenuously, by the Right Reverend Prelate (the Bishop of Exeter) now sitting at the table. Is it to be supposed, that so resisted, that so assailed, by a man of his ability and eloquence, it can escape from other adversaries, incited by his example, though not capable of imitating the force of his opposition? Is it to be supposed that a Right Reverend Prelate — possessing the talents and influence which he possesses — presiding for so many years as he has presided over the see of Exeter — cannot command as many petitions as he thinks proper from the clergy of that diocese? The Right Reverend Prelate (the Bishop of Gloucester and Bristol) published a letter ——

A RIGHT REVEREND PRELATE. — No! He did not publish the letter.

The ARCHBISHOP of CANTERBURY. — If he did not publish, it is understood that he wrote, a letter to the archdeacon of his diocese, in which he expressed sentiments decidedly adverse to the present measure. That Right Reverend Prelate can likewise command as many petitions, in his diocese, as the Right Reverend Prelate at the table can in the diocese of Exeter. Now, admitting that the petitions from those dioceses do really express the sentiments of the clergy residing in them, I will take the liberty of saying, that this fact proves nothing with regard to the opinions of the great body of the clergy throughout the United Kingdom; for, if I be informed correctly, there are no petitions against the measure from any other quarter.

A RIGHT REVEREND PRELATE. — No, no!

The ARCHBISHOP of CANTER-

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BURY. — Well, there may, perhaps, have been a few other petitions sent in; but I believe that their number is very inconsiderable. I hold in my hand a statement prepared upon the subject, which was at least considered and drawn up at a seat of learning; it was considered and prepared by men of undoubted erudition, and great respectability and high station in the church, — men well versed in ecclesiastical history, and well acquainted with the ancient state of the law. One portion of their publication calls the attention of the clergy to the Bill, and the other gives the form of a petition, which it urges upon the clergy to sign, in order to expose and defeat the object of the measure; and I must say, that if the parties who have affixed their names to the petitions which have been this evening presented against this Bill, are not better informed than their learned brethren of Oxford, upon the subject on which they address the House, their statements are entitled to very little weight. One point against which the petitioners from Oxford protest is, their being made amenable to any tribunal but that of their own diocesan; and especially to their being brought before a lay tribunal, — namely, the Privy Council. Now, upon this point I am very willing to consult the wish of these parties, by introducing a clause, providing that whenever the case of a clergyman comes before the Privy Council, one or more of the bench of bishops shall be summoned to attend. It is alleged, as a great innovation and hardship, that the effect of this Bill will be to remove the last appeal away from the church, and thereby destroy the independence of the church: but how very ridiculous is this objection, when it is known that the last appeal has, for the last nine years, been always in the Privy Council; so that, if the independence of the church is in question, it has been destroyed nine years ago. There cannot be a greater error than to suppose that the Bill which I stand here to support is one by which the clerical jurisdiction can be destroyed. Complaints have been urged against the hardship apprehended from the present measure. I, on the contrary, do believe that it will, so far from being productive of any hardship, tend to much less mischief than the present system; for it will put an end to the evils of informers, — at least, it will cause a considerable diminution in the evils which informers occasion; and therefore I trust that there is no ground for the statement set forth in the petitions now on your Lordships' table, that the Bill is calculated to effect the destruction of the church. I need scarcely observe that I, at all events, am not likely to bring forward or support any measure calculated to destroy the church; on the contrary, I hope that I shall be, ever, a most earnest opponent of any thing of the sort. The present measure is supported by me, because, so far from destroying, I do think it calculated, in a very high degree, to prevent the destruction of the church. Upon these grounds I urge your Lordships to agree to the measure; entertaining, as I do, the strongest conviction that the petitions which come before you on this matter are full of misstatements, — though certainly I am quite ready to admit that those misstatements are made without any disposition, on the part of the petitioners, to deceive the House, or to practise deception on any party. I give the petitioners credit for every disposition to support the church; but it will be for the House to judge of the weight due to their allegations, and to judge, also, of the wisdom, or the justice, or the expediency, of complying with the prayers of individuals, however respectable, who betray so much ignorance of the real facts of the question on which they petition.

The BISHOP of EXETER. — It affords me some satisfaction to observe the fair and candid manner in which the Most Reverend Prelate, who has last spoken, has expressed his opinions in favour of the measure now before your Lordships. In one respect I enjoy some advantage, now, as compared with the position in which I stood when it became, on a former occasion, my duty to oppose the Bill. I have now the advantage of having heard the grounds upon which the Noble and Learned Lord and the Most Reverend Prelate support the measure. Formerly, when it was before the House, nothing was said in its recommendation. On that ground I have no longer any cause of complaint. I, at present, make no complaint; but, in my own defence, I feel bound to vindicate the opinion which I conscientiously entertain, — namely, that this Bill is one pregnant with the utmost mischief to the interests of the church; and, entertaining that opinion, I feel, now, as I formerly felt, that I should be a traitor to that church if I hesitated frankly and unreservedly to give expression to that opinion. I charge no man with being a traitor; and it astonishes me that any one should, for a moment, suppose that I meant to convey the slightest imputation of that sort upon any individual. On the contrary, I have on all occasions particularly guarded against its being supposed that I intended anything in the least

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approaching to it. As to the course pursued by the Most Reverend Prelate, it has been marked by perfect fairness, by a most kindly spirit, governed by an entire regard to justice; but to suppose that, because I said that, in certain supposed circumstances, I, myself, should be acting traitorously, it is therefore to be inferred that I meant to impute treason to others; to suppose this, I repeat, is one of the wildest misconceptions I have ever known — one of the grossest misrepresentations that can [illegible] imagined, of language used by me twelve months ago. I never gave the least intimation — I never thought or dreamed — of imputing evil intentions to any one; and acknowledging, as I readily do, that the intentions of others are good, I request that I may receive credit, at least, for honesty. I am bound to yield to the Most Reverend Prelate due obedience, but I am not prepared to admit his infallibility; and holding him to be fallible, I venture to affirm that, upon this occasion, he is greatly deceived. I therefore must, and will, express my sentiments in reference to the present Bill, though they may differ from those entertained by the Most Reverend Prelate who has just addressed the House. Some things that were said respecting the merits of the measure have surprised me considerably. The Most Reverend Prelate contends that the present system is excellent —advancing, in proof of that assertion, the fact of the paucity of the trials of the clergy for misconduct. This circumstance affords us just grounds for rejoicing at the good working of the system, at least so far as the character of the clergy is concerned. I therefore will say, that if such prove to be the practical operation of the system, I feel astonished that principles should now be sacrificed to remove so little of practical evil. It further astonished me to find the Most Reverend Prelate saying that that would be fatal to the church, which I recommended in a Report, and a Report to which my own signature stood first. It is evident that many hold sentiments in common with me; and nothing can be clearer than that, if I be right, the doctrine of those who oppose me cannot, at the same time, be right also. I never wish to discuss theological questions in this House, unless when it becomes absolutely necessary to do so. Here, however, is a question essentially theological. The question is, whether or not the apostolical jurisdiction of bishops would be destroyed by this Bill, if it were passed into a law? In my opinion it would be. I am afraid, therefore, that I cannot follow the example of the Most Reverend Prelate in abstaining, altogether, from the consideration of that question. Your Lordships must allow that I must feel most deeply and anxiously on the subject, when I believe that there is an almost absolute certainty of my being left in a small minority upon it; and I can assure your Lordships that it is to me a matter of very great regret that I should be compelled to think that the view I take of this measure is the right one. I rejoice to hear the Most Reverend Prelate raise his voice on this occasion, because it is always a matter of gratification to me to listen to the opinions of any of the Right Reverend Prelates upon subjects of such deep importance to the Church of England as I conceive this to be. But I will now turn to the Right Reverend Prelates, and ask them whether they do not believe that bishops have, by divine right, a jurisdiction over their clergy? I venture to hope, in putting that question, that I shall receive the ordinary indication of assent commonly given to a truism. It is painful to me that it should seem to be doubted.

The ARCHBISHOP of CANTERBURY. — No one can doubt it.

The BISHOP of EXETER. — I rejoice to hear the Right Reverend Prelate say, that no one can doubt it. If, then, there be an episcopal jurisdiction, by divine right, I suppose that that episcopal jurisdiction must be exercised; and if it must be exercised, it ought to be exercised by those to whom it is given. That, I should think, is a truism almost as readily to be assented to, as the other; and though there is no intimation to that effect, I will take silence for concurrence, in this instance. I will go one step further, and ask what is the form in which that jurisdiction is given, and in which it is received, at the time of the consecration of bishops? I will be as brief as possible, but your Lordships will see the importance of referring to it. In the form of consecrating archbishops and bishops, one of the first prayers is, that "they may diligently preach the word of God, and duly administer the godly discipline thereof." The service does not end there. There are some parts of it which are too solemn, even with the view of strengthening my own argument in a sacred cause, for me to venture to cite here. There is a question, however, of a very serious character, which is put by the archbishop at the time of consecration, to which I will advert, — namely, "Such as be unquiet, disobedient, and criminous within your diocese, will you correct and punish, according to such authority as you have by

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God's word, and as to you shall be committed by the ordinances of this realm?" Answer:—"I will so do, by the help of God." That was the question which the Most Reverend Prelate put to me, solemnly and seriously; and that was the answer which I sincerely gave to it. It may be supposed, at first sight, that the authority to be committed by the ordinance of this realm limits the authority to be given by God's word; but I am sure my Right Reverend Brethren will not say so. I am sure they will say that they are two distinct authorities;—that the authority given by God's word is one, and that given by the law of the land another. The service does not end there. The archbishop, towards the conclusion of the ceremony, delivers to the bishop a Bible, saying, "Give heed unto reading, exhortation, and doctrine. Think upon the things contained in this book. Be so merciful that ye be not too remiss; so minister discipline that you forget not mercy." That was the solemn charge which I received from the Most Reverend Prelate. I received it with reverence; I have endeavoured to practise it; I shall always consider it my duty to endeavour to practise it: but say that I feel a necessity for, or can yield to, the fancied expediency of suppressing altogether the exercise of episcopal jurisdiction, I never will, until I shall be also prepared to say, "I feel that the service of which I have just spoken is no better than a solemn mockery." If it is to be declared that it is high time to put an end to episcopal jurisdiction, I assure your Lordships that I shall deem it my duty also to declare that it is high time to request that a convocation may be called together for the purpose of devising some mode of introducing persons under the name of bishops (if the name of bishop is to be continued on the bench), in accordance with that change in the exercise of those duties which are now required of them. Even that is not all. When priests are ordained, they are solemnly asked by the bishop, "Will you reverently obey your ordinary and other chief ministers, unto whom is committed the charge and government over you, following with a glad mind and will their godly admonitions, and submitting yourselves to their godly judgments?" Here is a recognition, on the part of those who are to answer, of the jurisdiction of the bishops over them. What is the answer? "I will do so, the Lord being my helper." It is a mockery, therefore, to contend that there is to be no exercise of episcopal jurisdiction. But we are to be told that the state of things is completely altered since this form of ordination was first appointed. That must be contended, otherwise I do not understand what use there is in persisting in it. I will, therefore, turn to something else. Ours is not only the church that has to pronounce an opinion, or to act upon the opinion,—of the necessity of episcopal jurisdiction over the clergy. During 300 years, the Christian Church was not mixed up with any state whatever; there were no coercive tribunals; no support was given to that church by the temporal laws of the countries in which it flourished. But was episcopal jurisdiction not exercised in those days? So far from it,—that jurisdiction was then exercised with a degree of vigour which has rarely been seen to be exercised since. Perhaps I may be permitted to read a very few lines from one of our best Christian antiquaries on this subject. Although they are already well known to my Right Reverend Friends, who do not need to be reminded of them, I am sure your Lordships will pardon me for quoting them on the present occasion. The words I allude to are from *Bingham's Antiquities*.

> Bishops always retained to themselves the power of calling presbyters to an account, and censuring them for their miscarriages in the discharge of their office. Nothing can be more sure and evident than that in Cyprian's time all bishops were invested with the power of censuring delinquents among the clergy.

Cyprian's time was before that age of the Roman empire when it declared in favour of the church—a time when the church had no support from the temporal powers. Well, if it have a jurisdiction, how is that jurisdiction to be exercised? Is it to be exercised by a judicial process? There are but two ways,—either arbitrarily, or by that process which common equity, common justice, and the analogy of every judicial proceeding point out. Witnesses must be called; the accused must have notice of the charge, and the opportunity of answering it: in short, there must be a judicial process. So it was in the early church; and so it is essential it should always be in the exercise of judicial, and likewise of episcopal, jurisdiction. It is to be remarked, that not only did the early church—not only did the Church of England, in former periods—recognise episcopal jurisdiction as coming from God, but the state also repeatedly recognised it. It recognised it every time it gave force and sanction to the church itself. It was recognised by King Henry VIII. and King Edward VI., even in

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those instruments in which one could least expect to have found such a recognition, if it had not been extorted by the certainty of the truth of what it stated. In the early period of the Reformation, the bishops did submit to take the whole of their bishopricks by licence from the Crown; and that licence, while it enumerated all the acts of episcopal jurisdiction, stated that they were given over and above the jurisdiction given by the word of God. King Edward VI., when Cranmer received a licence from his archbishop, and to the terms of which he was willing to adhere, made the same admission. Where the church has not the advantage of connection with the state, there, also, is episcopal jurisdiction acknowledged and acted upon. If the American Episcopal Church, without the slightest assistance from the state, beyond that given to all other professions, to every other species of belief, — if the Episcopal Church of America exercise that jurisdiction by judicial process, it is plain that, in the nature of things, there is nothing whatever to prevent it from being still executed even here. Surely the circumstance of our church being protected by the state ought not to prevent it. What, let me ask, is the meaning of "protection given by the state?" — of the state avowing its belief in the religious opinions of one body of Christians, and of its acceptance of that body as the church of Christ? Is it not that, by acknowledging them as that church, they (the state) acknowledge it to be their duty to carry into effect all the essential points of the discipline of that church; and that all that is essential to episcopacy, the state, by recognising, recognises at the same time its own duty? Therefore do I say, that when a state recognises the Christian Church as its own, it, consequently, recognises the bishops of that church; and this being so, it becomes the duty of the state to give to episcopal jurisdiction such sanction — such civil sanction — as shall insure the effective exercise of it. I am willing to spare your Lordships' time and my own, by declining to go into the proofs which might be adduced from the writings of our predecessors, by stating at once, that almost every distinguished divine who has ever written upon this subject is of that opinion. I will, however, refer to what has been said by one of them, — and I could produce a dozen such authorities, — namely, by Bishop Hall; one, I repeat, of our own predecessors, a most distinguished and illustrious divine; one of the most able supporters the church ever had, and in times more pregnant with danger to the church than even the present. It was in such times that Bishop Hall thus maintained that episcopal jurisdiction was that jurisdiction which was to be exercised at all times and under all circumstances. "It is the charge, upon Titus iii. 10.: "A man that is a heretic, after the first and second admonition, reject."

So, then, it is to Titus it belongs to proceed against erroneous teachers, to judge of heresy, to give formal admonition to the heretic, to cast him out of the church upon his obstinacy. Can any man suppose it to be for a mere presbyter to make such a judicial process against heretics, to eject them out of the church? What is spiritual jurisdiction, if power to do this be not? To sum up all, therefore, it is no other than our present episcopal power, that by the blessed Apostle is committed to Timothy and Titus: and that, with so clear evidence, that, for my part, I do not more fully believe there were such men than that they had such power and these warrants to execute it.

Your Lordships will see that Bishop Hall spoke of the necessity of that which this Bill says should no longer be. He made use of the very phrase, "judicial process." In a clause at the end of the Bill it is stated (the preceding section having deprived bishops of every right to convene criminal clergymen, and bring them to judgment), "that nothing in this Act contained shall be construed to affect any authority over the clergy of their respective provinces or dioceses which the archbishops or bishops of England and Wales may now, according to law, exercise personally, and without judicial process." But that judicial process is absolutely essential. It was so in the opinions of Bishop Hall, Bishop Jewell, Archbishop Cranmer, and others; which opinions I will not weary the House by repeating. I declare, most solemnly, to your Lordships, that I cannot find a single instance of any eminent divine who has written on the subject, who does not express the same sentiments; and I hope that such Members of your Lordships' House as shall follow me in this discussion, and particularly such of the Right Reverend Prelates as shall do so, and who may wish to show that I am wrong in thinking that this Bill has a tendency to extinguish episcopal authority, will be of the same opinion as those high authorities I have just named. We are told that the "judicial process" is not extinct — that it is given to the Court of Arches. Perhaps I may be also told that it is a judicial process to the bishops, inasmuch as that the dean of the Court of Arches is the representative of the Archbishop of Canterbury. All I say is, that the dean of the Court of Arches has no such com-

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mission from the Archbishop of Canterbury. All the dean of that court holds from the Archbishop of Canterbury is — the appellate jurisdiction; and the appellate jurisdiction recognises, instead of extinguishing, the original jurisdiction of the other bishops. If this Bill pass, the jurisdiction will be held, not from the Archbishop of Canterbury, but from the state. If that be permitted to take place, then will I say that a very strong and serious mischief — a mischief which it will be more easy to lament than to remedy — will arise; then will I say that a lay power will be the only authority for the exercise of the whole episcopal jurisdiction of England, because it will be exercised only by the dean of the Court of Arches, who will hold his authority solely and simply from an Act of Parliament. We shall then, indeed, be brought to that state which the Roman Catholics are anxious to represent us as being in, — namely, an Act of Parliament church; and we certainly shall be very near it. As far as I can conceive this part of the subject, the exercise of episcopal jurisdiction will be given to the Court of Arches by an Act of Parliament, and an Act of Parliament only. It may be said that the archbishop can issue a new commission, if this Bill should pass, giving to the dean of the Court of Arches the same authority as the Act of Parliament, and that then the dean would hold the authority from the Archbishop of Canterbury as well as from the Act of Parliament. But the Most Reverend Prelate can only give that which he has; and, with very great respect for him, who, I am sure, will agree with me, I must say that he has not that authority to give. I am sure that the Most Reverend Prelate will admit that he has not any right to such a power, himself; and that, not having it himself, he will not claim the right of conferring it on others. The Archbishop of Canterbury has no original jurisdiction in any other than his own diocese. I will here take leave to refer to a pamphlet from the pen of Dr. Nicholl, Vicar General of the archbishoprick of Canterbury — a pamphlet very temperately written, containing notes upon the Church Discipline Bill, directly addressed to me, and in which the author has also done me the honour to refer to a printed speech of mine. That speech I have never seen; I know not, therefore, how far it may be correct; some parts of it, judging from what the pamphlet quotes, are not correct, although what is quoted on this subject is. The pamphlet justly surmises, that in the opinions there expressed I quoted from the authority of Gibson. I did so — in his character of legate of the Pope. That was my assertion. Besides, after having taken the authority of Gibson, I did that which I am in the habit of doing to satisfy myself that I am right, — I referred to books which enabled me to trace what the real facts were, and what the law upon those facts was. I hold in my hand the *Reports* of Lord Hobart, a most learned and able judge of the reign of King James I.; and the case to which I wish to call attention, is one in which an officer of the Archbishop of Canterbury, after having been restrained by the statute of Henry VIII. from calling up persons from another diocese into the diocese of Canterbury, thought fit to establish a court in the borough of Southwark, in order to call up persons from the remotest parts of the diocese of Winchester. The case was tried in the Court of Common Pleas, and this was the judgment:—

> And it hath heretofore been held in this court, that the supposed concurrent jurisdiction that the archbishop is supposed to have in the inferior diocese was not as he was archbishop, but as he was *legatus natus* of the Pope; for the Archbishop of York neither hath nor claimeth any such; and then that power is ceased, being abrogated with the Pope, and the late practice, if any hath been, is but an usurpation; and if it is permitted to be in the archbishop's mere power, he may erect a court of audience in every diocese, and call all causes from other ordinaries.

Your Lordships will therefore see that Lord Hobart confirms my statement, that that jurisdiction had its origin in the Pope, and that the claim of the archbishop to a concurrent jurisdiction is nothing more than a renovation of a popish claim; and that if any person should claim that concurrent jurisdiction, he would claim nothing more than what is a remnant of popery, while it is contrary to the law of the land. I feel convinced that the Most Reverend Prelate will not claim, at present, any such jurisdiction; but, in the pamphlet to which I have alluded, the archbishop's Vicar General claims it for him. There is only one way in which, upon church principles, the Archbishop of Canterbury can have the jurisdiction which the Bill proposes to give him; and that is, by making the whole of England into one diocese, — that of Canterbury, — and by making all the other bishops suffragans, not in the best sense of the word, but in the sense in which the term was employed in the reign of Henry VIII., according to which the suffragans had only to confirm the acts of the bishop. That is the only way in which, upon church principles, the Vicar General of the Archbishop of Can-

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terbury, or any one claiming authority under him, can have the jurisdiction proposed to be given by this Bill. But even that is not sufficient for all the purposes of the Bill; the Bill is not satisfied with giving over to the Archbishop of Canterbury the whole of his own diocese, but it gives him that of York also; so that not only must England form one diocese, but it must likewise form only one province. I admit that Parliament has the power of making these alterations; I admit the right of the state to appoint the measures and boundaries of dioceses and provinces; but such alterations must be made in order to give the Archbishop of Canterbury the jurisdiction sought to be conferred by this Bill upon the Court of Arches. It is very remarkable that a whole diocese — that of Sodor and Man — is exempted from the operation of this measure. The reason of this exemption is, it is hardly necessary to say, that individuals may not be obliged to travel so great a distance as that from the Isle of Man to London. I rejoice at the candour which is shown in making this exception; and it tempts me to hope that, if I can prove that certain other clauses of the Bill will lead to very great inconveniences, my Right Reverend Friends will exhibit the same candour in assenting to other departures from the general principle of the measure. I admit that they will go to destroy still further the analogy of its provisions; but I hope to show that they are absolutely necessary. It is the third clause of the Bill which is the most important. By that clause the power of passing sentence of excommunication, suspension, deprivation, deposition, and degradation, or pronouncing any other spiritual censure, is given exclusively to the Court of Arches. I will pass over the irregularity of spiritual censures issuing from a lay court; but, by the 122d canon, the power of depriving is to be exercised only by the bishop. The pamphlet to which I have referred states that it is a great mistake to suppose that that canon prevents the Court of Arches from having jurisdiction in such a case, and affirms the right of the Court of Arches to deprive in spite of the canon. But the pamphlet cites no authority more modern than 140 or 150 years ago. Now, there has been a case of more recent date upon the point, — a case which was decided in the year 1822, — I mean that of Saunders *v.* Davies, which is reported in the first volume of *Addams's Reports*, page 291., and came before the court by letters of request from the chancellor of the diocese of Oxford, — a cause of office promoted by a parishioner against the curate of the augmented cure of Ascott, for immorality and irregularity in the performance of divine offices. The charges being established, the sentence prayed was deprivation; but the court said that, in spite of what had been urged to the contrary, deprivation was a penalty which it was not at its option to award, — deprivation and deposition being specially reserved by the canon to the diocesan. The court said, "It would be extremely unwilling to do in the teeth of that canon what the canon itself seemed framed to exclude, upon the mere *dicta* of counsel, in the absence of any, or, at most, upon the strength of one (blind) precedent." Who pronounced that decision? Who was the court? A great name, and one which I can never cease to respect. It was Sir John Nicholl who gave this opinion; and, in giving it, he pronounced that the principle on which this Bill is founded is wholly untenable. Suppose, however, that Sir John Nicholl is wrong, and that his son, the author of the pamphlet, is right, — still there is another claim which even the Vicar General does not venture to make, but which is set up by this Bill. The Bill actually purports to give to a lay tribunal the power of deposing and degrading; in other words, of destroying the ministerial character of the offending clerk. This is a power which the House has no right to dispose of. Neither her Majesty, with the advice and consent of the Lords spiritual and temporal, and Commons, in Parliament assembled, nor all the Kings and Queens and Parliaments in the world, ever had, or can have, the power of doing what this Bill presumptuously says the Court of Arches shall have authority to do. The utmost conceivable human power cannot confer upon a lay tribunal the right of stripping the ministers of the church of Christ of their ministerial office. The supreme civil authority in a state may forbid any clergyman to exercise his functions in any part of the dominions belonging to the state; but it cannot rob him of his ministerial office, — it cannot make him cease to be a clergyman; that power, from the very nature of its origin, can only be exercised by the bishops themselves. I look towards my Right Reverend Friends upon the bench, and I call upon them to say whether any lay tribunal can possess this power? I should be sorry to think that my Right Reverend Friends could give any answer but one to my appeal.

If, then, the Legislature cannot confer

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the power of deprivation, deposition, and degradation upon a lay tribunal, some court there must be in which this power should exist; and this court, whether it be called a consistory court, or by any other name, — for that is of small consequence, — must be presided over by a bishop. It might as well be said that the power of ordaining could be given to laymen; the authority required to confer the ministerial character can be no greater than that which is required to take it away. Therefore, the Bill might, with quite as much right, enact that the power of ordination should belong to the Court of Arches. That, however, it could not do; a bishop, and a bishop only, can ordain a layman to the ministry. The maxim of the canon law goes further; it says "*facilius spiritualia construuntur quam destruuntur;*" and, accordingly, the canon law of England requires the concurrence of a certain number of bishops in order to depose a clerk. Even at this day, the bishop is assisted by some clergyman of his diocese when he pronounces the sentence of deposition. The learned Vicar General, indeed, lays it down in his pamphlet that, in pronouncing this sentence, the bishop only acts as the mouthpiece of the court. But he reads over the depositions of the witnesses, and acts upon his own opinion when he concurs in the judgment pronounced by the chancellor. I believe that the learned Vicar General will not find many of the Right Reverend Prelates upon the bench disposed to act as mouthpieces. They may be called upon to act merely in that capacity; but the learned vicar-general will be like Owen Glendower, who boasted that he could "call spirits from the vasty deep;" he will discover that they will not answer to his call. The state, by adopting the established church, has taken upon itself the duty of giving effect to its ordinances; it may vary or modify them in circumstantials, but all essentials it is bound to maintain and uphold. This duty is recognised by the Legislature, itself, in its most solemn enactment, — that which prescribes the form of the coronation oath. What will be the state of the church, if this measure be carried? Its legislative power is gone already. The clergy never meet in convocation for the purpose of legislating upon the affairs of the church; all legislation is now carried on by the state. And I must say that, whatever evils may have arisen from the clergy sitting in a convocation or synod, there are also great evils from the other and more modern practice; and that those evils, if legislative measures like the present are to be enacted, are incalculably greater than those which can possibly arise from the scandal produced by the squabbles of convocation. The passing of this Bill, then, I cannot help repeating, — for I have given my reasons for the opinion which I hold, — will be, in my eyes, the extinction of the true episcopal character of the church. Legislative power it has none; its judicial authority will go with the present Bill; and of its executive functions, the highest and best — that of administering justice with mercy — is no longer to be intrusted to its bishops. The church is stripped both of her judicial and her executive power by this Bill. Suppose that the proposition were, that the independent functions of the Church of Scotland should be interfered with; would not the whole of Scotland rise, in arms, against it? and would not the union with Scotland be speedily found to be a mere parchment union? If the interference were attempted with the Quakers, the proverbial peaceableness of that body would, I imagine, become a very formidable ingredient in the struggle, in the present state of the country. The Church of England is the only body in the land which can be assailed in its essential and vital parts with impunity. Entertaining these sentiments, I have felt it to be my duty frankly to avow them.

With regard to the subject of church discipline, generally, I have already intimated that I should be disposed to adopt the recommendation contained in the Report of 1832, with reference to increasing the powers of the bishops. To increase, and not to circumscribe, those powers, is the proposition of my Most Reverend Friend upon this occasion; and to the Report I find affixed the names of Charles James London, Christopher Bethell Bangor, as, also, that of another Right Reverend Prelate, who, I deeply regret, is not now present at our councils, — I allude to the name of William Dunelm. If that excellent man were still spared to us, cheering us with his presence, and giving strength and confidence to all the friends of the church, he would have, unquestionably, so addressed your Lordships that this Bill never would have been entertained. I cordially concur with the recommendation of the commissioners of 1832. The great object of those commissioners, as stated in their Report, is "to maintain and enforce the authority and control of the bishops over the clergy," — of the decline of which they give the history, and the restoration of which they state as one great recommendation of their plan.

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"They would restore to the bishops that personal jurisdiction which they originally exercised, and which was afterwards delegated by them" (for never, before this Bill, did Parliament undertake to transfer it) "to their chancellor and officials." . . . . . "The doctrine of the canon law is, that although the trial of causes of certain descriptions (*i. e.* matrimonial, &c.) may be properly intrusted to a lay judge, to the bishop himself belong *inquisitio, correctio, punitio excessuum, seu amotio à beneficio.* Agreeably to this principle, the power of deprivation is reserved by our canons to the bishop in person; and the same principle seems to apply to the case of suspension, and to the infliction of any other censure which may affect a clergyman's spiritual functions." I do not approve of fettering the bishops with assessors. Depend on it, the bishop will always know what is best to be done *pro re natâ*, — whether to call to his aid the advice of a lawyer, or of an experienced clergyman. The law of the church is, that the bishop shall have some of his presbytery with him. The dean and chapter already present a body which ought to be ready at his call upon all occasions. There is one other suggestion which I would offer, — namely, that there be only one appeal. This may be startling to some of your Lordships; but it is my decided opinion that the only appeal from the Episcopal Court should be to the Court of Arches, and to no other tribunal. It may be said that to the Queen, as head of the church, ought to lie the ultimate resort. This, however, has not been the practice of the constitution. The Statute of Appeals, which I look upon as a most extraordinary specimen, not only of wisdom but of eloquence (I allude to the 24th of Henry VIII. c. 12.), gives a most accurate description of the constitution of England, and claims for the spirituality of England the power of deciding in all cases spiritual, and for the temporality the same power in all cases temporal. This statute enacts, that there shall be no appeal in spirituals from the archbishop's court. The cause of a different course being adopted in the following year is well known. The bishops of that time were strongly suspected of entertaining a very amicable feeling towards the Pope; therefore an appeal was given to his Majesty; and, in the *dernier resort*, the power was vested in the Crown of trying appeals. This power was to be delegated by the Crown to a commission. How did this work? Till late in the seventeenth century, no temporal peer or judge of the land, except in one instance, was included in the commission. My authority is not a light one; it is that of Mr. Gibson. The judges always put forward in the last resort consisted of bishops and divines. Of what does this judicial tribunal now consist? Of bishops or divines? — No. Of churchmen? — No. Of the twelve officers who are now named, it is not necessary that more than two shall be churchmen! All the rest may be the bitterest enemies of the church, — Roman Catholics or Unitarians. The only excepted cases are those of the Lord High Chancellor, and the Judge of the Prerogative Court. Does not common sense exclaim against this? The effect of vesting in the Judicial Committee of the Privy Council the last resort in spiritual cases, is to constitute them ecclesiastical judges. So that the arrangement is one which, in the event of Roman Catholics being appointed judges, would directly clash with the Act of 1829. Without trespassing farther on your Lordships' attention, I beg to move "That the Bill be committed this day six months."

The BISHOP of LONDON. — It will not be possible, within the compass of a few observations (and with more than a few I can hardly think of trespassing on your Lordships), to say all that it would be desirable to state in answer to the very able speech of the Right Reverend Prelate who has just sat down. That Right Reverend Prelate has called upon me and two of my Right Reverend Brethren to give some account of the change of system which we concurred in and recommended for adoption in the Report of 1832. I certainly entertained, at that time, a notion very similar to the opinion now expressed by my Right Reverend Brother, that the early powers of the bishops should be restored to them; and I still think it of very great importance that those powers should be augmented, — but not exactly in the manner stated by my Right Reverend Brother. The experience of the years which have elapsed since the year to which the Right Reverend Prelate has referred, has led me to doubt the expediency of that specific enlargement of existing powers which was pointed out in the Report. My Right Reverend Brother has appealed to the authority of one of the most prudent and amiable prelates who ever adorned the Episcopal bench of England, — I allude to the late Bishop of Durham. Although that Right Reverend Prelate signed the Report generally, he withheld his assent from that particular recommendation. He said it would be imposing a burden on the

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bishops, which he shrank from inflicting on them. The law of these cases is very complicated, and depends so much on a great variety of precedents, that for my own part it would be matter of the deepest concern to me to have my attention drawn away, from matters of far higher moment, to decisions upon questions relating to mere points of ecclesiastical law. One of the most important recommendations of this Bill is, that which removes all these cases from tribunals that are mostly incompetent, and always liable to the suspicion of partiality, to a judge deeply versed in ecclesiastical law, and far above all suspicion of unfair bias. This of itself is so great a recommendation, that I should be disposed, upon this ground, to adopt the present measure, if I believed it to be free from the objections which have been stated by my Right Reverend Brother. Those objections are of a very important character, and I do not say that this measure is altogether free from them. It is quite true that, according to strict ecclesiastical practice, spiritual authority should be reserved, either to the bishops, or to the persons specially authorised by them. This is not, however, now-a-days, practicable; and, as your Lordships must make a choice of evils, I think the adoption of the present measure would involve the least. It is my opinion that the Right Reverend Prelate has unintentionally confounded the different kinds of jurisdiction which belong to the episcopal office. I agree with him, that that which is strictly of a spiritual nature ought not to be delegated to others. He alluded, for instance, to the power of ordaining and confirming; but, when you come to the power of inflicting punishment, the case is different. There two kinds of ecclesiastical punishment. You may proceed to inflict punishment on a clerk, or other member of the church, as spiritual censors. That is a power which may be held to be incommunicable, and yet it for ages has been delegated to the judges appointed by the bishops. Execution is a sentence passed in open court by the ecclesiastical judge.

The BISHOP of EXETER. — The greater excommunication is reserved to the bishop.

The BISHOP of LONDON. — However, two jurisdictions are, even now, intrusted to the hands of laymen; and to show that even this power is not, necessarily, incommunicably inherent in bishops, it is executed by other bodies, such as deans and chapters and courts of peculiars. My Right Reverend Friend, in the course of his speech, expressed a sentiment which I should have been glad had he repressed, for the sake of the effect it may produce out of doors. My Right Reverend Friend said that, if this Bill should pass, it would go a long way to sanction the statement which was frequently in the mouths of Roman Catholics, that the Church of England was an Act of Parliament Church. Would not, however, the same cry be urged, and the same objection, in point of principle, apply, to any measure that even my Right Reverend Friend might introduce, — to any remedy he might think it right to apply to existing evils? I think it is one of the peculiar doctrines of the English church that it assigns the supreme head of the church to the temporal Sovereign; and whatever may be the difference among divines, as stated by my Right Reverend Friend, that is the doctrine of those who are looked to as authorities on questions of the church in connection with the state. Those authorities hold that, with respect to jurisdictions affecting the rights of persons, the Crown is the fountain of all authority, ecclesiastical and civil. Such are the views of the greatest lawyers of this country upon a matter in which the opinions of lawyers are at least equivalent to those of the most learned divines. Even Hale, who, though a most illustrious judge, was, I must say, rather prejudiced against the ecclesiastical courts of the country, speaks of the jurisdiction exercised by the bishops as being derived from the Crown; and he declares "that all courts, ecclesiastical or civil, hold no other power or authority but such as are derived from "the King's Most Excellent Majesty."

Again, Bishop Gibson observes that the external administration of spiritual discipline, such as the removal from benefices, is in the bishops; but that it is impossible for them to exercise that discipline without the aid of those courts which derive their authority from the state. This is a measure to enforce the performance of duties by the clergy. Now, I never heard, in the English Church, that no temporal power might not interpose for that object. In 1545 a Christian King wrote that the bishops and priests must execute their duties faithfully; and that, if not, they should be punished by force of law. Is there, then, any real objection to the principle that lay authority may be admitted in aid of ecclesiastical discipline? And then arises the question, — which is the best mode of enabling the bishops to exercise that dis-

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cipline which they cannot exercise without the authority of the state? I entirely concur with the Most Reverend Prelate (the Archbishop of Canterbury), that this Bill will strengthen that truly spiritual discipline which every bishop possesses, and which no one wishes to take from them. The discipline of the church is best secured, on the one hand, by a paternal exercise on the part of the bishops of the authority vested in them; and, on the other hand, by the opinions entertained by the clergy of that spiritual authority, and by their conscientious regard of the obligations they are under by the ceremony of ordination. At his consecration a bishop is solemnly charged to administer discipline according to the will of God, and the law of the realm. Here, then, are two kinds of discipline, — a spiritual discipline according to the will of God, and not exercised by the law of the realm further than the recognition, by the law, of the authority of the particular bishop of each diocese; and another kind of discipline, to be exercised according to the laws of the land. This distinction furnishes an answer to the argument which my Right Reverend Friend has drawn from the service of consecration. Then, by the ordination service, the party admitted promises to obey the chief governor, to whom the authority is committed. I apprehend that my Right Reverend Friend will not, now, insist on the power of personal excommunication as an effective means of administering the discipline of the church. Sorry should I be to see any individual clergyman taking upon himself that most dangerous power, which has been so often abused by the clergy of other churches. I think it is a proof of the wisdom of the Protestant Reformers, that they did not deem it necessary to have that power, but left the case to be judged of by a competent tribunal, after due inquiry and investigation into the merits of the case; and the 65th canon requires that the sentence shall be pronounced in open court.

Now, with regard to the transfer of the jurisdiction from the bishops to the Arches Court; if I could devise or see any other plan for the more effectual discipline of the church, that would steer clear of the difficulty which that transfer presents, I would gladly embrace it. That part of the measure is, however, important rather in principle than in practice; but, although important in principle, it is not likely to be drawn into an inconvenient precedent. In practice, your Lordships have heard that fifteen cases in five years form the sum total of suits against criminous clergymen from all the dioceses in the kingdom; and I am sure, if this Bill were passed, the number would be further diminished, — diminished, not only because the body of clergy of the present day are more highly educated than formerly was the case, and therefore, I need scarcely add, are a more decorous and better conducted class of men; but because the knowledge that such a tribunal as that now proposed exists — that the mode of trial is summary, just, impartial, and not very expensive — that facilities of proceeding are given, not to common informers, but to the bishops, — these circumstances, all being known, would deter many criminous clergymen from persisting in any wrong course. It would deter them, for this further reason; — they would know that the bishop has the power to send for a clergyman to speak to him in a friendly but firm tone; to say to him he has too much reason, after inquiry in his neighbourhood, to believe that what he has heard respecting the conduct of that clergyman is true: to such a man the bishop could say, "There is a mode of bringing you to justice, and if convicted, you will be ruined; let me persuade you to submit at once to my judgment, which shall be as light as circumstances will admit, and retire from your benefice altogether, or at least for a time." In practice, this is now a common mode of proceeding to which bishops have recourse, and it might again be resorted to with still better effect if the Bill should pass into a law. I hope your Lordships will remember that this measure is recommended by ecclesiastical law commissioners, and that if the principle contended for by my Right Reverend Friend be carried into effect, all this preliminary discipline will be put a stop to. With regard to the delegation of powers to laymen, to which my Right Reverend Friend objects, there is no innovation of principle in this Bill, for the same thing has been done in the Act of Parliament which constitutes the Judicial Committee of the Privy Council a tribunal in such matters in lieu of the Court of Delegates. The difficulty which presents itself to my mind is involved in the transfer of the ecclesiastical causes from the courts of the bishops to that of the archbishop. That proposition certainly weighs heavily on my mind, and I wish some other mode could be devised for getting over it; but, on the whole, I cannot say, of a measure which is likely to effect great good to the church with so little of evil as is contained in this Bill, — that I will not accept it with its evils and benefits, such as they are, — thinking, as

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I do, the balance is greatly in favour of the latter. I concur with my Right Reverend Friend in the opinion he has expressed that the word "degradation" ought not to be introduced into the Bill. In no case ought degradation to take place: a clergyman may be deprived of the power to exercise his spiritual functions; but I doubt whether either the state or any ecclesiastical tribunal is competent to deprive him of his holy orders, when once admitted to them. I therefore think the word "degradation" ought to be omitted. There are many other points on which I would gladly have touched, but the time warns me that I have already trespassed on your Lordships too long. I admit the difficulties of the question; but, thinking the Bill less objectionable than advantageous, and that it may receive some modifications in committee, I am disposed to adopt it in its present stage.

LORD WYNFORD.—Having served in committee on this Bill with the Right Reverend Prelate who has just addressed the House, I beg to offer a very few observations to your Lordships. My objections to this measure are of a nature, and founded on considerations, more familiar to my mind than those which have been so ably expressed by the Most Reverend Prelate and the two Right Reverend Prelates, who necessarily look upon this subject with a view to the spiritual questions involved in it. As to the subject of the assessors, several plans were brought forward in the committee, which, after much deliberation, were thoroughly discussed. My own proposal was, that the deans and chapters should act, in this capacity, in the bishop's court; but the Right Reverend Prelates thought that would not do. Now, it is the fact, my Lords, that, from the earliest period, though the bishops have delegated all other powers, their criminal jurisdiction over their clerks they have ever reserved to themselves,—merely calling in a legal adviser or assessor in cases of difficulty. An Act of Parliament, passed in the reign of Henry VII., confirmed this jurisdiction to them, and most wisely; for who so competent as the bishop, who is constantly watching over his clergy, to sit as judge of their offences? In my opinion this jurisdiction ought to be transferred to no layman whatsoever. I remember a case which occurred some time back, and will probably, also, be in the recollection of the Most Reverend Prelate, in which I was called upon to sit as assessor to a Right Reverend Prelate, upon a clerk who was charged with adultery, the object of the suit being the revocation of his licence to his curacy. Here was a grave inquiry of a criminal nature against a curate; and by whom was it heard? Not by any court,—that could not be,—but by the bishop. This was an advantage for the clerk. But why should the crimes of a rector be decided in one way, and the crimes of a curate in another way? For such is now the case. There ought not to be two methods of trial: questions, by the decision of which a curate might be ruined, ought not, I contend, to be decided in a different way from that adopted in the case of all other clerks. My opinion is, that the Bill retains all the mischiefs which are attributed to the present law; still I do not say that no alteration should be made in the present law. The expenses of proceedings under it ought certainly to be diminished. I remember a Right Reverend Prelate having been put, on one occasion, to an enormous expense in pursuing a criminal clerk to justice. The old constitutional method is, I am convinced, the only one which could be made available for this purpose,—I mean, the trial before the bishop, *in foro domestico*. This would prevent all the heavy expenses of pleadings in the ecclesiastical court. The Right Reverend Prelate, who spoke last, seems to think that much delay will be got rid of by this measure, and he talks of getting through a trial in a few months. But what is really done, as to this point, by the Bill? Only one appeal is saved—that from the bishops' courts to the archbishops' courts. But how do other provisions of the Bill make up for this saving? The appeal, at present, will lie from the archbishops' courts to the Judicial Committee of the Privy Council. But, under this Bill, the cause will go, in the first place, into the archbishop's court; from the archbishop's court an appeal lies to the Privy Council; and there the appeal will end. But when the cause gets into the archbishop's court, there it will be heard on depositions taken by commissioners, previously sent into as many parts of the diocese, and to as many other places as there happen to be witnesses living who know anything of the case. Besides the delay thus occasioned, the expense of these commissions will be exceedingly great. Nor is this all; for, after all these commissions, the judge of the ecclesiastical court may hear the matter over again, on *vivâ voce* evidence, by witnesses brought up from Cornwall for instance, or the most distant places of the kingdom. Still this

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is not all; for the judge may order an issue to be tried before any going judge of assize; and here, if any evidence should not appear on the judge's notes which ought to have been there, or any other mistake occurs, a new trial may be had. Will any one tell me that this Bill will be less expensive, or cause less delay, than the present system? Again, the person who institutes proceedings will be liable to taxed costs at least, and to whole costs if he be not fortunate. He will be liable, also, to enter into recognisances to discharge any damages which the judge may assess, who is likely to become a promoter under this Bill. In fact, I am quite satisfied that the measure will fall a dead letter, unless the bishops choose to become promoters, as they frequently have become under the present law, — much to their honour. But, however this may be, unless promoters are to be found, there is an end of the Bill. There is another point. At present, a clergyman can only be tried in his own diocese, — and this, not merely by the regulations of the church, but by an Act of Henry VIII.; this limitation, however, is to be done away with by the Bill. Now, I think this would operate most unjustly and oppressively. There are many cases in which the clergy would submit to any terms, almost, rather than enter upon a dispute with a promoter in another diocese, if such should be found to setthe Bill in motion. For these reasons I must declare I cannot concur in the measure.

The BISHOP of GLOUCESTER and BRISTOL. — Having been pointedly alluded to, and even mentioned by name, in the course of this debate, I feel it impossible to give a silent vote on this occasion. Three years ago, my Lords, I followed the Most Reverend Prelate in supporting a Bill of a very different character from that which is at present before your Lordships; but I certainly am not able to follow him in the change of opinion manifested by his support of the present Bill. I was not in the House, or in town, when this measure was, last year, discussed by your Lordships; but I have seen it stated that the Most Reverend Prelate then said that the former measure was generally disliked among the clergy, from their repugnance to sit in judgment upon their brethren. In this there must, I think, be some mistake; for I wrote to the archdeacons of my diocese, desiring them to ascertain, as well as they could, the real sentiments of the clergy on this matter; but without, myself, intimating my own opinion, or saying anything which could bias a single individual; and it turned out that the clergy were unanimous in condemning the present measure. The Most Reverend Prelate says that this letter of mine has been printed in some newspaper: if such be the fact, I can only say that it was done without my sanction or knowledge; but, even in that case, it cannot with justice be insinuated that I have invited petitions against this Bill. And I feel assured that the Most Reverend Prelate, when he has considered the matter with calmness, and with that candour which forms a distinguished feature of his character, will acknowledge that my conduct has not merited the smallest portion of censure or of complaint.

My Lords, I think that the objections of the Right Reverend Prelate (the Bishop of Exeter) have not been answered. The enactments of the Bill are opposed to the canons of the established church in several particulars. One canon (the ninety-fourth, I think) says that the judge of the Arches Court shall not originally summon any person to answer before him, who is not within the diocese or the peculiars of Canterbury, — without the licence of the bishop. But this Bill says that he may exercise original jurisdiction over every clerk whatever in England and Wales. Again, the canons declare that no sentence of deprivation or deposition shall be pronounced against a minister, except by the bishop; but this Bill says that every sentence shall be pronounced by the dean of Arches. I am apprehensive that this measure, instead of diminishing, will rather increase, both the delay and the expense attendant on proceedings in the ecclesiastical courts. It is true that evidence may, under the enactments of this Bill, be taken in the Court of Arches, either by deposition or *vivâ voce;* but it is probable that, for most cases which occur in the country, a special commission will be issued, of the nature described in this Bill, for taking evidence. The commissioner is to be an advocate, or a barrister of seven years' standing, before whom counsel and proctors are to practise. Now, my Lords, only consider what expense this proceeding will entail upon the parties. Then, again, is it consistent with sound judicial principles that the judge who decides the cause should be a different person from the judge who receives the evidence? Yet such will, in fact, be the effect of this Bill. He is, I presume, to be guided by the notes sent to him by the barrister of seven years' standing. Well,—but issues may be directed to be tried at the assizes or in Westminster Hall; and if the verdict there given be not satisfactory, then

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there is to be a new trial. Thus, therefore, three, four, or five trials may take place before the sentence is pronounced; from which sentence an appeal to the Judicial Committee may probably follow. On the whole, I think the effect of the Bill will be, to produce both delay and expense in the proceedings against clergymen, and thereby to screen real delinquents, and to expose innocent persons to the risk of persecution from malicious accusations, and the ruin which is too likely to ensue. I therefore concur in the amendment that the Bill be committed this day six months.

The ARCHBISHOP of CANTERBURY. — I beg to state, by way of explanation, that I did not mean to cast any censure upon the Right Reverend Prelate. I would not have him consider so for a moment.

The House then went into committee: to be again in committee on Monday next; and the Lords summoned.

DURHAM COURT OF PLEAS BILL.

House in committee (according to order); Bill reported, without amendment; and to be read a third time on Thursday next.

BEER ACT.

Petition against alteration of, — of inhabitants of Litlington. — Read, and ordered to lie on the table.

ESTABLISHED CHURCH (CANADA).

Petition for the protection of, — of the minister, churchwardens, and inhabitants of Llantilio Pertholey. — Read, and ordered to lie on the table.

Petition of George Frederick Carden, of New Serle Chambers, Lincoln's Inn, in the county of Middlesex, barrister at law, praying that the short-hand writer who attended a committee of this House may be allowed to attend at a trial in the Court of Common Pleas, with the notes taken by him of evidence given by the petitioner before said committee. — Read, and ordered as prayed.

SAINT LEONARD'S AND SEDLESCOMB ROADS BILL.

Petitions in favour of, — of creditors entitled to mortgages of the tolls of the Saint Leonard's and Sedlescomb turnpike road: of owners of property in Sedlescomb: of owners of land in Sedlescomb taken in for the purposes of the turnpike road: of James Troup of Hastings, and David Manser of Rye: and of inhabitants of Saint Leonard's; Ewhurst; Bexhill; and Hastings. — Read, and ordered to lie on the table.

LOVAT PEERAGE.

Petition of the claimant, that the proper officer of this House do attend, with certain documents, at a trial in the Court of Session in Scotland. — Read, and ordered accordingly.

BRISTOL AND GLOUCESTER RAILWAY BILL.

Petition of William Herapath, of Bristol, Esquire, praying to be heard by counsel against. — Read, and ordered to lie on the table.

Adjourned.

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HOUSE OF COMMONS.

PRIVATE BUSINESS.

Lardner's Divorce Bill; Leeds and Harewood Road Bill; Northern and Eastern Railway (No. 1.) Bill. — Read a third time, and passed.

Northern and Eastern Railway (No. 2.) Bill; West Beckham and Alby (Norfolk) Inclosure Bill. — Read a third time; amendments made; Bills passed.

Norwich Improvement Bill. — Petition of Mr. John Rising Staff (presented on Thursday last) read; and the House being informed that, from the adjournment of the House, it had been impossible to present such petition three clear days before the day appointed for the first meeting of the committee,—

Ordered, That it be an instruction to the committee on the Bill, that Mr. John Rising Staff be permitted to be heard, by himself, his counsel, or agent, upon his petition, before the said committee.

Glasgow and Renfrew Road Bill. — Petition of William Dixon, against.—Referred to the committee on the Bill; counsel ordered.

Birmingham Canal Bill. — Petitions praying to be heard against the petition (presented 3d of May) praying for additional provision in the Bill, — from Messrs. Alban and Benbow, agents for the company of proprietors of the Dudley Canal navigation; John Benbow; and Robert Scott and Clement Ingleby.—Referred to the Select Committee on Petitions for Private Bills.

Petitions for Private Bills Committee. — Motion made, and question, "That the committee have leave to sit and proceed to-morrow upon the petition (presented yesterday) from the Warwick and Birmingham Canal Company, for additional provision in the Birmingham Canal Bill," put, and negatived.

Caledonian Canal Committee.—Instruction to the committee, That they have power to inquire into the state of the Crinan Canal.

Manchester and Birmingham Extension (Stone and Rugby) Railway Bill. —

Ordered, That the minutes of evidence taken before the committee on the Bill be printed at the expense of the parties, from the committee clerk's copy, if they think fit.

Liverpool Buildings Bill. — Time enlarged for the committee to report till Thursday, the 20th of June.

Liverpool Churches Bill. — Reported; to be ingrossed.

CHELTENHAM IMPROVEMENT BILL.

Bill reported; motion made, and question put, "That the amendments made by the committee to the Bill be now read a second time."

Mr. C. BERKELEY. — I will state shortly to the House the reasons which induce me to move that this Report be taken into consideration this day six months. Since the year 1824, the town of Cheltenham has been subjected to the control and management of a self-elected body of commissioners of police, who, from certain deficiencies in the provisions of the existing Act, now find it necessary to apply to Parliament for new and extended powers, and to be allowed to include several new streets within the bounds of their jurisdiction. I am willing to admit that a new Bill is requisite for the town of Cheltenham. Under that impression, I allowed this Bill to pass through the first and second readings; but I did so, in consequence, likewise, of the representations of the agent for the commissioners. I presented a petition against the Bill from 2500 of the inhabitants; two public meetings had been held against it; but still I was induced to allow the Bill to pass through the first and second readings, on a distinct promise, by the parliamentary agent for the promoters of the Bill, that certain clauses and alterations would be introduced before it went into committee, in order that it might be made palatable to the great body of the ratepayers. When the Bill was about to be committed, I accordingly

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called on the parliamentary agent to fulfil that promise; when he turned round upon me, and said that the commissioners did not intend to do any such thing. But I object to the adoption of the Report on much higher grounds. I object to it in consequence of the extraordinary powers which the Bill vests in the commissioners. It presents all the objectionable features of Sturges Bourne's Act. It proposes to confer a plurality of votes on property, and thus completely to overpower and swamp the general body of the ratepayers. I hold in my hand a paper, prepared by the promoters of the Bill, which, no doubt, has been placed in the hands of Honourable Members at the door, with the view of producing a bias on their minds. That paper sets forth that the Bill has been approved by the vestry, and also by a meeting of ratepayers, at which Lord Segrave presided; and states, that the deficiency of the old Act is so obvious that it will be impossible to resist the new one. It is quite true that my noble relative made a statement to that effect; but the sole reason which induced his Lordship to take the chair on that occasion was the distinct understanding which, I assured him, had been come to with the agent for the Bill, that clauses would be introduced, placing the right of electing the commissioners in the body of the ratepayers. The parties who drew up the paper to which I have referred, selected that point which suited their own views, and left the rest entirely unnoticed. I object, then, to this Report, because the parliamentary agent for the Bill had prevented opposition on the second reading by making certain promises which have not been fulfilled; because the Bill, in effect, goes to continue the old self-elected body of commissioners, although it speciously pretends to give free election to the ratepayers; and because it confers a plurality of voting on certain properties, and will thus swamp the rights of the ratepayers. I therefore move that the Report be taken into further consideration this day six months.

CAPTAIN PECHELL. — I second the amendment.

SIR E. KNATCHBULL. — The Honourable Member for Cheltenham has stated two grounds — and only two — against the passing of the Bill. The first is, that the parliamentary agent for the Bill departed from an understanding which had been come to in regard to the introduction of certain clauses, and thereby led the Honourable Gentleman into some misconception. This is certainly the first time I have ever heard such a charge brought against a parliamentary agent. I hope it is not in the power of any parliamentary agent to interfere with or prevent any Honourable Member of this House from taking whatever course he may deem proper in reference to any measure that may be introduced? The next ground is, that the commissioners are to be a self-elected body. As I understand the Bill, however, it seems to me that free election is to be the principle. The election, in my opinion, is placed upon the same footing as that of the commissioners of Brighton and other towns. These are the only grounds of objection to the Bill; upon which, I am sure, the House is not prepared to oppose it.

SIR C. LEMON. — I have only one fact to state to the House. A petition, containing allegations against the Bill, was laid before the committee; but no person appeared to support those allegations.

Mr. C. BERKELEY. — In reply to that remark, I have only to say that the parties could not afford to pay ten guineas a-day to counsel.

SIR DE LACY EVANS. — I am not much acquainted with the merits of the question; but I have received a communication from a gentleman who is, which has produced a conviction in my mind that a large body of the ratepayers are opposed to the Bill. That I conceive to be an important ground for the consideration of the House. Besides, the Bill contains clauses which allow plural and proxy voting, — than which nothing can be more objectionable.

Mr. CODRINGTON. — I consider this to be a very necessary Bill, and I believe it is supported by a large majority of the Honourable Member's own constituents. The Bill merely proposes to confer the same advantages on Cheltenham as are enjoyed by Bath, Brighton, and Ramsgate. Of the 2500 persons who signed the petition presented against the Bill by the Honourable Member for Cheltenham, not more than about one sixth were ratepayers; while, on the other hand, a petition signed by above one half of the ratepayers was prepared in support of the Bill, but given up in consequence of its having been thought that the Bill would not be opposed.

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Mr. G. BERKELEY. — Upon that point I beg to say, there would have been no opposition offered to the Bill if the promoters of it had not broken faith with those by whom it is opposed.

Question put. The House divided: — Ayes 97; Noes 95; — Majority 2.

AYES.

Acland, Sir T. D.
Bagge, W.
Bailey, J.
Bailey, J., jun.
Barnard, E. G.
Barneby, J.
Bentinck, Lord G.
Blakemore, R.
Bramston, T. W.
Buck, L. W.
Buller, Sir J. Y.
Burr, H.
Burroughes, H. N.
Canning, Rt. Hn. Sir S.
Cartwright, W. R.
Christopher, R. A.
Codrington, C. W.
Cole, Lord Viscount
Coote, Sir C. H.
Copeland, Alderman
Corry, Hon. H.
Courtenay, P.
Damer, Hon. D.
Darlington, Earl of
De Horsey, S. H.
Dowdeswell, W.
Duncombe, Hon. A.
Duncombe, Hon. W.
Dungannon, Ld. Visct.
Eastnor, Lord Visct.
Eliot, Lord
Estcourt, T. (Oxf. Un.)
Feilden, W.
Filmer, Sir E.
Forester, Hon. G.
Fremantle, Sir T.
Freshfield, J. W.
Gaskell, J. M.
Godson, R.
Gore, O. J. R.
Graham, Rt. Hn. Sir J.
Grant, F. W.
Greene, T.
Grimsditch, T.
Herries, Right Hon. C.
Hodgson, R.
Hope, Hon. C.
Hope, H. T.
Hotham, Lord
Howard, Hon. W.
Hughes, W. B.
Ingestre, Lord Visct.
Ingham, R.
Inglis, Sir R. H.
Irton, Samuel
Jackson, Mr. Serjeant
Kerrison, Sir E.
Knight, H. G.
Lascelles, Hon. W. S.
Law, Hon. C. E.
Lefroy, Rt. Hon. T.
Lemon, Sir C.
Lincoln, Earl of
Lockhart, A. M.
Lowther, Hon. Colonel
Lowther, J. H.
Mackenzie, T.
Marton, G.
Mathew, G. B.
Maunsell, T. P.
Miller, W. H.
Pakington, J. S.
Palmer, R.
Palmer, G.
Parker, T. A. W.
Perceval, Hon. G. J.
Pollock, Sir F.
Powerscourt, Lord Vt.
Round, C. G.
Rushbrooke, Colonel
Rushout, G.
Sandon, Lord Visct.
Scarlett, Hon. J. Y.
Sheppard, T.
Staunton, Sir G. T.
Tollemache, F. J.
Tyrell, Sir J. T.
Vere, Sir C. B.
Walsh, Sir J.
Williams, R.
Wilmot, Sir J. E.
Wodehouse, E.
Wood, Sir M.
Wood, Colonel T.
Wood, T.
Wynn, Rt. Hon. C. W.
Young, J.

Tellers.
Knatchbull, Rt. Hon. Sir E.
Lygon, Hon. General

NOES.

Aglionby, H. A.
Aglionby, Major
Archbold, R.
Attwood, T.
Baines, E.
Barry, G. S.
Beamish, F. B.
Berkeley, Hon. H.
Berkeley, Hon. G.
Bewes, T.
Blunt, Sir C.
Bridgeman, H.
Brocklehurst, J.
Brodie, W. B.
Brotherton, J.
Busfeild, W.
Cave, R. O.
Cavendish, Hon. G. H
Chester, H.
Clements, Lord Visct.
Codrington, Admiral
Collier, J.
Collins, W.
Curry, Mr. Serjeant
Davies, Colonel
Dennistoun, J.
Divett, E.
Donkin, Sir R. S.
Duncombe, T.
Dundas, Sir R.
Easthope, J.
Ellice, E.
Ellis, W.
Etwall, R.
Evans, Sir De Lacy
Evans, G.
Evans, W.
Ewart, W.
Finch, F.
Hall, Sir B.
Hastie, A.
Hayter, W. G.
Heathcoat, J.
Hector, C. J.
Hobhouse, T. B.
Hodges, T. L.
Hoskins, K.
Hutton, R.
James, W.
Jervis, J.
Langton, W. G.
Lennox, Lord A.
Lister, E. C.
Lushington, C.
M'Taggart, J.
Marsland, H.
Martin, J.
Moreton, Hon. A. H.
Morris, D.
O'Connell, D.
O'Conor Don
O'Ferrall, R. M.
Parker, J. (Sheffield)
Parrott, J.
Pattison, J.
Philips, M.
Protheroe, E.
Redington, T. N.
Rundle, J.
Sanford, E. A.
Smith, B.
Somerville, Sir W. M.
Standish, C.
Stanley, Hon. E. J.
Stuart, Lord J.
Stuart, V.
Stock, Dr.
Strickland, Sir G.
Strutt, E.
Style, Sir C.
Talbot, C. R. M.
Talfourd, Mr. Serjeant
Tancred, H. W.
Thornely, T.
Troubridge, Sir E. T.
Turner, W.
Wallace, R.
Warburton, H.
Ward, H. G.
White, A.
Wilbraham, G.
Williams, W.
Williams, W. A.
Winnington, T. E.
Yates, J. A.

Tellers.
Berkeley, C.
Pechell, Captain

Main question put, and agreed to; amendments read a second time, and agreed to; Bill to be ingrossed.

PUBLIC BUSINESS.

MESSAGE TO ATTEND THE LORDS COMMISSIONERS.

The House went; and, being returned, Mr. SPEAKER reported the Royal Assent to — Dean of Exeter, &c. Appointments Bill; Seditious Societies Act Amendment Bill; Purchasers' Protection Bill; Designs Copyright Extension Bill; British Museum Buildings Bill; Staffordshire Potteries (Stipendiary Justice of the Peace) Bill; Great Western Railway Bill; London and Southampton Railway (Portsmouth Branch) Bill; London and Greenwich Railway Bill; London and Croydon Railway Bill; Perth Harbour and Navigation Bill; Herefordshire and Gloucestershire Canal Bill; Cheltenham Waterworks Bill; Rochdale Waterworks Bill; Wearmouth and Tyne Bridge Road Bill; Cullompton Road Bill; Rugby and

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Warwick Road Bill; Berkeley (Gloucester) Inclosure Bill; Totley, or Dronfield (Derby) Inclosure Bill; Unstone (Derby) Inclosure Bill; Ringstead (Northampton) Inclosure Bill; Napier's Divorce Bill.

MESSAGE FROM THE LORDS,

That they have agreed to — South Eastern Railway Bill; Basingstoke Roads Bill; Clun (Salop) Inclosure Bill; Comberton (Cambridge) Inclosure Bill, with amendments.

That they have passed a Bill, intituled, "An Act to enable the Mayor and Commonalty, and Citizens of the City of London to let and sell Parcels of Ground in Saint George's Fields, near Bethlem Hospital, to the Governors of the said Hospital."

MISCELLANEOUS PETITIONS.

The following petitions were severally presented, and ordered to lie on the table; namely, —

Education. — Against the proposed scheme of national education recently laid before Parliament, as approved by the Committee of Privy Council, — from Wendover; Water Stratford; Barnstaple; and Ravenstone.

Postage, — For a low and uniform rate, — from York; Quin; and Hammersmith (chairman of a meeting).

Sunday Delivery of Letters, — From Iscoyd, against the transmission of letters through London on the Lord's Day.

Railways (Ireland), — From Carrickfergus, against the proposed measure.

Of the chairman of the Dublin and Drogheda Railway Company, for empowering the Board of Works to make loans to existing companies.

Maynooth College, — From Olney and Warrington, against further endowment.

Church Establishment (Canada and other Colonies), — From Adstock, in support.

Sale of Beer Bill, — Committee deferred from Thursday next, till Wednesday, 19th of June.

COURT OF CHANCERY (IRELAND) BILL.

COLONEL PERCEVAL. — I beg to know whether it is the intention of the Government to bring forward the Court of Chancery (Ireland) Bill this Session? and, if so, how soon?

LORD VISCOUNT MORPETH. — The draught of the Bill has been prepared, and is now under the consideration of the Treasury; but I cannot say whether or not it will be in the power of the Government to lay it before Parliament this Session.

RETURNS, &c.

Yeomanry. — On the motion of Mr. SANFORD, Return ordered —

Of the number of troops or corps or regiments of effective yeomanry of Great Britain and Ireland, according to the last muster roll; stating the date of that muster, and distinguishing the number of officers and men in each corps or regiment, and the expense of each corps in 1838; showing the manner in which the sums voted for Great Britain and Ireland in that year were expended.

Foreign and Colonial Wheat. — On the motion of Mr. E. TENNENT, Return ordered, —

Showing the quantities of foreign and colonial wheat and wheat flour, stated in quantities at the rate of 392 lbs. of flour to each quarter, that were imported and taken for consumption in each month, from the last day of January, 1839, to the last day of May, 1839; showing, also, the quantity remaining in warehouse at the end of each month; the monthly average price of wheat according to the *London Gazette;* the average rate of duty per quarter on foreign and colonial wheat respectively, and the amount of duty received in each month.

Printed Papers. — Copy presented of the short-hand writer's notes of the proceedings in the case of Stockdale *v.* Hansard (ordered the 31st of May). — To lie on the table, and to be printed.

ELECTIVE FRANCHISE.

SIR H. FLEETWOOD. — Sir, the Bill for which I am now going to move, is one of so much importance that I shall endeavour to confine myself to a statement of its general principles, and to show that, in introducing a subject like the present, I am calling on you to consider a question than which none of greater moment ever came under the consideration of the House. The question is one of the utmost importance as connected with the representation of the country. I have sought information from all political parties on the subject; and I have invariably found that all admit that my Bill is founded on just constitutional principles, and

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contains within it nothing that can alarm the most timid, as being likely to affect the existing institutions of the country. I had given notice of my motion on the subject long before the Noble Lord the Member for Stroud had published his address to his constituents; and the sentiments, in that pamphlet, are in accordance with the views I am now advocating. Being accustomed to regard that Noble Lord as the leader of the question of reform in this House, I was gratified to find that such was the case, and that I could extend the franchise to an immense number of persons, without militating against the present constitution of the Reform Bill. Sir, I hope that the question can be entertained without at all affecting that measure as at present constituted. The object of this Bill is merely to confer upon parties possessing the same qualification and amount of property, the franchise at present enjoyed by others under the Reform Bill. I hold that the 10*l.* household franchise, enjoyed at present by parties residing in cities and borough towns, should be extended to parties who, in respect of property and intelligence, are very far superior to many now voting for Members of Parliament. If the individuals for whom I am seeking to obtain the franchise possess the same property qualifications as those who at present enjoy it, it cannot be said that I am extending the principle of the Reform Bill. There is another objection urged against this measure,—namely, that although the 10*l.* householder may be a fit voter for a town, he has not the proper qualification as a voter in a county constituency. The 10*l.* householders, to whom I propose to extend the franchise, are not those resident within parliamentary boroughs, but those who reside in remote rural districts, to which no borough representation attaches; and who, at the present moment, though possessed of very considerable property, have no voice whatever, in the choice of representatives. They are persons who have little or no interest in boroughs, and who are almost entirely dependent upon agriculture; they are therefore very fit parties to be introduced into the county constituency. It has been urged, as an objection against my proposition, that the old constituency of the counties, particularly in the large manufacturing districts, will be swamped by the new votes I propose to create. I believe that there is no ground whatever for any apprehension upon that head. I would draw the attention of the House to the wording of the motion, which provides that the franchise shall not be given to the holder of a house of less value than 10*l.*, the same as in boroughs. Sir, if there was any danger of swamping the votes in manufacturing districts, the danger would, under the present system, exist in the small towns. I am, on the contrary, aware that, at present, in several manufacturing towns, where the principal mill-owners are of Liberal opinions, the representatives sent to Parliament are Conservative. I am satisfied that, under the proposed Bill, so much property is required as qualification, that no manufacturing interest will be able to swamp the county constituency. In the borough which I represent, many persons vote for both the county and town. It may be said that it is not desirable, or in agreement with the principle of the Reform Bill, to give the same persons the right of voting in counties and towns; but, on turning to the 50*l.* tenant at will clause in that measure, I find that persons are entitled to vote by occupancy as well as by property, and thus vote for county and town. Sir, I am aware that one great difficulty in bringing forward this question at this time is, that the county constituency may be considered by Honourable Gentlemen opposite as perfect. Now, I will put a question to Honourable Gentleman opposite. Suppose the corn law question were again in agitation; would they, if this Bill had passed, have as great majorities in favour of their views upon it? With respect to this Bill, I can assure the House that I have had communications with persons well qualified to give an opinion, and they agree with me in thinking that the qualification I now propose would add greatly to the intelligence and independence of county constituencies. I will endeavour to show that, in supporting this measure, we are not vitiating the spirit of the Reform Bill, but merely extending its provisions to persons now accidentally excluded. I wish to have the privilege extended to doctors, merchants, and lawyers residing in villages or villas outside parliamentary boroughs, and to many of what I may term the *shopocracy*. I call on the House seriously to consider my proposal. The country is now in a quiescent state, anxiously awaiting our decision, and anticipating further benefits from the Reform Bill. With these remarks I shall conclude; and I beg leave to move for leave to bring in a Bill to extend the qualification of voters for Members of Parliament representing English and Welsh counties to the occupier of a

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house of the clear annual value of 10*l.*, the same as in boroughs.

LORD JOHN RUSSELL.—Sir, I am sure the House will feel that nothing could be more temperate and judicious than the manner in which the Honourable Baronet has introduced his motion. He has stated the grounds upon which he thinks the House ought to accede to the motion, both as being consistent with the Reform Bill, and as being an improvement of the present state of the franchise in the counties. There was one part of his argument in which, undoubtedly, I agree with him, and in which my agreement is well known to the world. I certainly consider that the introduction of the 50*l.* tenant at will clause, carried to the extent of giving the right of voting to the occupant of property in counties, and thereby destroying the ancient tenure of freehold, — with the additional disadvantage of placing the limit of the value of the property at 50*l.*, — was a most injurious and dangerous change in the Reform Bill, and it was one which the Government of that day felt itself bound to oppose. The ground upon which it was argued by a Noble Lord, now a Member of the other House of Parliament, both in this House and in the country, was, that, if it was right to give to a 10*l.* householder the right of voting in towns, then it was very unjust to deprive the 50*l.* occupier in counties of the same right of voting; that it was an obvious partiality in favour of the residents in towns, and an injustice and injury to the agricultural population of the kingdom. If that argument was a good one,—I do not think it was,—but if it was a good one, undoubtedly it would go to the extent of giving to voters in counties the same right of voting as is held in towns, because, in point of character, and in point of property and of respectability, no one can deny that the occupier out of the limits of a borough is as fit to exercise the franchise as those living within it. Therefore, in bringing down the limit of tenure which those who proposed the Reform Bill intended to keep up, I thought a change was made which would lead, in point of reason, in point of fairness, and perhaps in point of effect, to further changes. However, the Government was defeated on that occasion. Lord Althorp stated the reasons for objecting to the proposition. Those reasons were not satisfactory to the House, and we were defeated by a considerable majority. The opinion of the Marquess of Chandos prevailed in this House, and was even countenanced and deemed acceptable in the House of Lords. That was a sufficient reason, in the opinion of the Government, why the 50*l.* franchise, then proposed, should be introduced into the Reform Bill. I therefore agree so far with the Honourable Baronet, that, in point of fairness and of justice, if I am asked whether a 10*l.* resident out of the limits of the borough is not as fit to vote as a resident within the limits, I must say, decidedly, and at once, that I think he is.

[Cries of "Hear, hear!"]

I think it is unfortunate that the 50*l.* tenants were ever introduced into the Reform Bill.

[Cheers, and cries of "Hear!" from the Opposition.]

I do think so.

[Renewed cheers.]

I certainly do not now wish to deprive them, or any of those who enjoy rights under the Reform Bill, of the exercise of those rights; but I think the principle leads very naturally to the motion of the Honourable Baronet this night.

But now I come to the objections to be made to that motion. The Honourable Baronet has himself admitted that the question is of such great importance, that the proposition is so large and so extensive a one,—that of introducing a new class of voters,—that it cannot be expected that either the Government or the House should entertain it at this time of the Session. But, putting aside that objection, which seems to me a sufficient one, against the immediate adoption of so great a change,—I think, likewise, that there are very serious and substantial objections to the proposition, at whatever period it may be brought forward. The Honourable Baronet, in the course of his speech, has alluded to some of those objections. He has stated what he thinks to be the inequality which now occurs with respect to voters in boroughs returning Members to Parliament. It would be necessary to revise the distinction made in the Reform Bill, which was intended to provide that persons holding property in the borough should not, by virtue of the same property, be enabled to vote in the county. That distinction, whether good or bad, wise or unwise, was made in the Reform Bill; and it would be necessary to enter into the whole question on that point.

There is likewise one very important question as to what would be the practical

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effect of such a change with respect to the elections in counties. That is a question with regard to which I am not now able to pronounce an opinion. The inclination of my opinion is, that the electoral body would rather be improved than otherwise by such an addition. But I have not sufficient information to enable me to pronounce a decisive opinion upon that point. There is another objection which it is obvious will be taken by persons of various parties who have considered the Reform Bill, and who would look upon this change not merely as an extension of the right of voting,—not as an extension directly in conformity with the principles of the Reform Bill,—but as an extension going beyond the Bill, and as being a new right of voting, not conferred by that Act. These are objections that would be made, and are of a sufficiently serious character to induce any Government not merely to decline agreeing with the proposition of the Honourable Baronet as to voting for his motion now, but to decline giving him any reason to suppose that, if brought forward on another day, it would meet with their concurrence.

The Honourable Baronet has said that he wished to have some explanations from me with regard, not merely to his own proposition, but with regard to any proposition of a similar nature. In accordance with his wish,—and, I think, in accordance with the wish of many who have asked me my opinion with respect to certain points,—I will first state, generally, that I think there are three different parties. I do not speak, now, merely of the common division of political parties, but I say, that there are three different modes of viewing the Reform Act. There is a considerable number, I am sorry to say, who, while adhering to the letter of the Reform Act, and being quite willing to profess their adherence to every word and syllable of that Act, yet wish to pervert and abuse the spirit of that Act—who wish to prevent persons from having the franchise which is given to them by that Act—and who vexatiously oppose their maintaining that franchise—and who, likewise, are very forward, by means of intimidation and corruption, to prevent them from freely exercising that franchise. From those who thus act, I need not say, I entirely differ. There are many others who view the Reform Act in another light. I may refer to a letter in the newspapers of this day, written by the Honourable and Learned Member for Dublin, who takes this view of that measure; and great numbers agree with him. He considers that the Reform Act has been a total failure, and that it is necessary to have a new law, giving the franchise a far more extensive range, and providing for a duration of Parliament extremely short, at the same time depriving the Crown of the prerogative of dissolution, and adopting, also, a secret mode of voting,—which he and his supporters think would be a protection to the voter. That is a proposal for an entire abandonment of the Reform Act, as it at present exists; it is, in short, a proposal for an entirely new system of legislation upon the subject. I need not now discuss the reasons upon which that proposal is founded. The propositions—many of them, I admit, extremely plausible ones—which are put forward by those who advocate that system of legislation,—I can only say, are such as I cannot agree to. There is a third system, which consists in taking the Reform Act as a basis, and in saying that they will introduce into the Reform Act, and found upon it, any corrections and improvements which, as a legislative measure, it must necessarily from time to time require. That is the general opinion I, also, entertain with respect to the Reform Act. I cannot deny that, wherever that Act, in its provisions, is defective,—or where, by means not perceived at the time, it has become abused and perverted from the spirit in which it was proposed by Earl Grey,—it is expedient and just, and even necessary, to consider what amendments may properly be introduced.

Without going into all the questions which may arise upon this subject, I will mention one upon which a Bill was introduced by my Honourable and Learned Friend the Attorney General several years ago, which has been renewed during several years, and which is now again before the House. With respect to that measure, relating to the registration of voters, it appears to me more and more, year after year, that the vexations, incident to the retention of the franchise are much greater and more extensive than I could ever have supposed they could be. I do think, when you have seventy-five barristers going to the different parts of the country, and those very barristers not going to the same counties in different years, but changing their circuits, to decide upon various questions respecting the rights of voters,—and when you have a number of persons ready to go to any expense for the purpose of questioning the rights of voters,—that the system does become a hardship and an injury to the holders of the franchise, which imperatively calls for amendment. I frequently receive letters upon this subject from persons who represent, not their own grievances, but the grievances of others, stating that it often

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occurs to persons to be obliged to travel many miles, year after year, in order to defend their votes, and that they find, on coming into the registration courts, that there is neither any objection or objector for them to meet. This is a matter not affecting one party, merely, or another. It affects all. But if you really mean that persons having a *bonâ fide* franchise should retain it, you ought to endeavour to do away with this vexatious mode of proceeding. We proposed, two years ago, a plan which, I think, would have been found a very great improvement,—that of diminishing the number of revising barristers, and determining that, instead of a fluctuating court, with seventy-five learned gentlemen, there should be only ten or eleven barristers, forming a permanent court, to decide on all questions relating to the elective franchise. That Bill was rejected by the House of Lords. We proposed another Bill, last year, which had not the same efficacy, but which would still have diminished, in some degree, the number of vexatious objections,—I mean, the proposal to impose costs on the party making such objection. But even that Bill was not acceptable to the House of Lords. It was thought necessary by their Lordships to add to it that which we had carefully kept out of view, by the introduction of a clause, decidedly in favour of one party on a disputed right of voting. The effect of all this, and of the many observations which have been made to me upon the Registration Bill introduced this year, on my mind, has been this;—that, although I am certainly not, after several discussions upon the subject with my Honourable and Learned Friend the Attorney General, and with my colleagues in office, prepared to say, exactly, what should be the details of the remedy; yet I am prepared to say that we ought altogether to revise the whole system of registration. I am sure it will be necessary both to have a permanent court and a smaller number of revising barristers; and I think it will be necessary to provide, by some means or other,—perhaps by giving a longer period for the register to run,—that the voter should not be called upon so constantly and perpetually to defend his right, and be subjected so frequently to an expensive and vexatious contest in the court of the revising barrister. In saying this, I think the motion before us is a question entirely separate from that which the Right Honourable Gentleman (Sir R. Peel) discusses in his Bill respecting election petitions. I shall be disposed, certainly, not to concur in any motion at present, which would place in his Bill clauses with respect to any change in the constitution of the courts of the revising barristers. But I think that Parliament, in another Session, should reconsider the whole subject, and endeavour to form a court with which this House and the country in general might be satisfied.

There are other questions, which relate, not to the mode of registration, but to the mode in which a person obtains a right to have his name placed in the list of voters. We took very great care in the Reform Bill that the voter should not merely have the property which we declared was necessary to give him a vote, but that he should pay sufficient rates and taxes to show that he was a *bonâ fide* holder of the property to which the Parliament intended to give the franchise. My argument, I confess, when discussing this measure and imposing these restrictions, was, that if we imposed too severe terms, it would be far more easy to relax that severity if we gave the franchise to a class of voters who were not entitled to it, than to take away that franchise when it had once been given. Experience has convinced me that, with regard to these restrictions, we have gone farther than was at all necessary, to insure the respectability of the voter. I think the general principle is the right one; and that the ancient principle of paying scot and lot is a principle to which we ought to adhere; but I do think, that you can ascertain the respectability of a person who merely pays rates (which is the interpretation given to the expression of "paying scot and lot"), without putting any further restrictions upon him, which only have the effect of depriving many men of the franchise who are clearly entitled to it. It was with that view that I, last year, introduced a Bill, and which was carried through this House, by which the time for paying the rates was changed, and instead of the voter having to pay, in June or July, what had become due in April, he would only have to pay in July what was due in the previous October. I think the principle of that Bill was a correct one; and I think, moreover, that, if you take care that there has been a payment of the poor rates for any number of months, or for a year, you ought not, likewise, to insist upon the payment of the assessed taxes. That I consider a needless and vexatious system. I find, from all I have heard, that, instead of the right of voting being granted, as it was apprehended it might be, by those who proposed the Reform Bill, to persons not entitled to it, on the contrary, hundreds of persons, who are fully entitled to it, do not enjoy it,—owing to the manner in

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which these clauses of the Bill are framed. That, therefore, is a matter upon which I think we may fairly propose an amendment; and, in doing so, we shall be acting not contrary to the spirit, but in the very spirit, in which the Reform Act was prepared. With respect to other matters of the same kind, as they are not immediately now in question, I do not see that there is any reason to detain the House upon them. I have already stated the general principle upon which I am disposed to go. That general principle is, to adopt any amendment in the franchise which is in conformity with the principles of the Reform Act, and in analogy to the general provisions of it; but not to adopt any altogether new scheme of representation. With regard to my general views, it is unnecessary for me to repeat them now, because I have, on several occasions, expressed them, and have even, perhaps, with some degree of rashness, ventured to discuss those general views. All I wish now to state is, that, not concurring with the Honourable Baronet in his present motion, — not giving to that Gentleman any promise that I will, at a future period, concur in it, — I, at the same time, think he is fairly entitled to ask the consideration of the House upon a question of this kind. It does appear to me a question fairly brought forward, and that, if you adopt his proposition, you will not be introducing any very dangerous innovation; but, at the same time, it is not one to which I, on the part of the Government, can give my concurrence. I do not know that it is requisite for me to enter further into this subject, or to state anything with regard to my general principles in connection with it, — those being already known to the House and the country.

Mr. WARBURTON. — Sir, in my opinion, it may be fairly collected that a very large majority of the people of England, and of the Members sitting on the Liberal side of the House, are not satisfied with the representation of the United Kingdom as it now stands. This being the feeling of a large majority of the people, the question is, whether the Members sitting on the Liberal side of the House will be satisfied unless the Government are prepared to take the amendment of the Reform Act in hand? If we were convinced that the Government would act upon that feeling,—that they would be for measures of progressive reform,— and that, as fast as evils and defects were found in the system of representation, they would be prepared to propose amendments,— I believe that the people and the Liberal Members of the House would be willing to leave the amendment with the Government. If we are told that the Government will take the matter into their own hands, — (though really in what manner I am precisely to interpret the declarations of the Noble Lord, I feel considerable difficulty to understand), — but if we were informed that the Government will take the matter in hand, I am persuaded that, on my side of the House, there is every disposition to forbearance, and to wait for the measure which the Government may think proper to introduce. I do not believe that the Liberals are at all impatient. They do not wish to press upon the Government, in the present state of the Session, to produce a measure for all those amendments they consider necessary. Let the Government declare their willingness to correct the defects of the Reform Bill; and, without urging them to produce any measure conformable with such declaration, this Session, all that the Liberals ask is, that they will throw open their door to receive suggestions from the Liberal party, in the same manner as they did previous to the introduction of the Reform Bill. What I contend against is, that so many separate and unconnected changes are proposed at once; whereas, if any Gentleman would examine into the nature of this case, he would find in how close a manner all those different measures hang together. There is the measure of the Right Honourable Baronet the Member for Tamworth, who proposes to make a perfectly impartial tribunal for settling all those questions that now come before election committees. That is, no doubt, a legitimate object; but what I and my friends complain of is, that it is a detached measure, and will not cure any present defect that arises out of the existing system of trial before election committees. The real question is, How can gentlemen of moderate fortune be induced to become Members of this House? At present it is only necessary for any opponent to present a petition, in order to deter persons of moderate income from attempting to obtain seats in Parliament. There is, for instance, one committee now sitting on an election petition in the Carlow case. I take it for granted that that committee is perfectly prepared, according to the law of election, to do justice. But see how long it has been sitting!

Now, one mode for correcting this evil would be, that of making the registration of voters final. In that case the greater number of questions which now come before an election committee would be

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taken out of the record. But if we make the registration of voters final, would it not be necessary that we should amend the constitution of the registration court? Is it not necessary — instead of having, — not merely those 75 barristers, as the Noble Lord stated, but those 150 revising barristers which we have at present — to have a limited number of gentlemen with competent salaries, competent to try such cases, and upon whose decision the public would place confidence? I take these measures as an example, with a view to show how they are all necessarily connected together; and how impossible it is, if we take them separately, to deal justly with the laws relating to the constitution of the representative system. Therefore it is that I say, with the present state of dissatisfaction among the people, that if the Government is really at the head of the Liberal party, they are bound to do that which the Liberal party call upon them to do — that is, to give notice of their intention to propose a Bill for amending the Reform Act, which Bill shall embrace all the objects which I have alluded to, and many others to which I have not yet alluded. If they will do that, instead of the Liberal party of the country being depressed and discouraged in spirit, which they now are, the Government will raise their spirits and give courage to the Reform party throughout the United Kingdom; and instead of our being almost afraid to meet a general election, and anticipating discomfiture from so meeting the constituency of the country as it now stands, we would, if spirit and courage were given to us by such an announcement, be the foremost, and as ready as — nay, more ready than — the Honourable Gentlemen opposite, to meet a general election. But if the matter remain as it now is, — if the constituency be left in its present state, — then I will say that I anticipate discomfiture for the Liberal party at the next general election; and not only that, but I do believe that at any future general election the Liberal party may expect that their situation will be worse than it now is.

[Cries of "Hear, hear!" from the Opposition benches.]

I like to state what my real opinion is. Now, I tell the Honourable Gentlemen opposite that the Liberal party feel satisfied — as all will admit — that they are the most numerous. I say that, in the aggregate, they are the most powerful, — have the most property, — and are the most influential body in the state; and they will not submit permanently to be left in such a position that, whenever a general election is to be met, they shall find their situation growing worse and worse. Therefore, I say, that if the Government, whom the Liberal party consent to place at their head, will not take upon itself to place the Liberal party in that position, which, they contend, from their numbers, their wealth, and their influence, they have a right to hold, — then, the Liberal party must act, independently of the Government, for themselves. The division on the ballot will show what their strength is. They must, I say, act for themselves, and throw themselves upon the country for support, and take those measures which they think necessary, by means without and means within this House, for giving supremacy to their opinions. I would, then, urge, that if there were the smallest encouragement on the part of the Government to lead us to believe that they would take the amendment of the Reform Act under their patronage, there would be the greatest forbearance shown by the Liberal party, both in the House and out of it. Sir, the Liberal party in the House would be glad to leave the subject in the hands of the Government, if the Government would take it into their hands; — if measures like that proposed by the Honourable Baronet in the motion now before the House — if measures which the Noble Lord admits to be of a moderate character, like this — were only sure to be fairly considered by the Government, — for I would be satisfied with that. I say that, because I, for one, fully admit the force of the argument of the Noble Lord, that he has not duly considered all the bearings of the measure, — that he must have recourse to the statistics of representation to see the effects of the measure; — that very circumstance is a fair argument for saying that the Government will take the suggestions into consideration, and will deliberate whether or not it be fit that they should introduce a Bill for the amendment of the Reform Act; and it might be an argument why the Honourable Baronet should not press the present motion to a division. If I interpret the words of the Noble Lord aright, he, individually, approves of the present motion, but says that the Government cannot consent to it. I am glad that, so far as his statement goes, the Noble Lord considers this to be a reasonable proposition to be made. What course the Honourable Baronet will take upon this occasion, I do not know; but I think that it is a very fit occasion for the members of the Liberal party to give vent to their opinions; and after he has heard them, the Honourable Baronet will

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be prepared to state what course he means to take with respect to this measure,—whether he will divide the House upon it, or whether he will leave it for the consideration of her Majesty's Government? For my own part, I do not ask for any determination on the part of the Government, or for any immediate decision, either upon this or upon any other question, as to the representation of the people; but if Government will agree to take into their consideration the amendment of the Reform Act, in such parts as they think require amendment, I would recommend my Honourable Friend to forbear from pressing a measure of this kind in the present Session, and to await the production of a Bill which I shall be glad to hear announced by her Majesty's Government.

SIR ROBERT PEEL.—Sir, I really cannot concur with the Honourable Gentleman the Member for Bridport, that the speech of the Noble Lord the Secretar of State for the Home Department was obscure and equivocal. I did distinctly understand the Noble Lord to say that, in certain respects, he would admit alterations in what is called the Reform Act, and the Noble Lord did distinctly define what was to be their extent. He left nothing vague or unexplicit on that head. With regard to that definition, the Noble Lord stated that he would agree to an important alteration with respect to the law of registration: he insisted that 75 barristers were much too many; that the several revision courts ought to be limited to one of a much more permanent character; and that the decisions of the barristers ought to admit of appeal to that court. Then, again, as to the main provisions of the Act, the Noble Lord declared that he was in favour of a relaxation of the tax-paying clauses; that with respect to the payment of the poor-rates, additional time should be granted; and with respect to the payment of the assessed taxes,—having the security of the payment of the poor-rates, they ought not to persist in requiring payment of those taxes. Listening, as I have been, to the Noble Lord, I did not put that construction on his speech which has been put by the Honourable Gentleman. It is, I think, impossible to charge the Noble Lord with being obscure or unexplicit. I took down the Noble Lord's words: the Noble Lord stated that the Honourable Baronet's present proposal was fairly entitled to be the subject of consideration,—that proposal being to give to the 10*l.* householders in counties, not residing within boroughs, the right of voting for counties; but the Noble Lord stated, also, that it was not a subject to which, either on his own part, or on the part of the Government, he could give any concurrence: and he said, further, that he could neither give such concurrence at the present moment, nor hold out to the Honourable Gentleman any expectation of such concurrence for the future. And if that is a fair interpretation of what the Noble Lord stated, how is it possible for the Honourable Member for Bridport to charge the Noble Lord with being vague or inexplicit? I have no doubt, from what the Noble Lord stated with respect to the merits of the present measure, that he means to resist this motion; but whether I shall or shall not have the satisfaction of voting with the Noble Lord, or whatever may be the Noble Lord's intention, it is my meaning, even if I stand alone, to resist the proposal of the Honourable Gentleman, and to offer to it every opposition in my power.

Now, I look at the arguments which have been used in support of the present motion. It is said that the 10*l.* householders, living out of boroughs, are as respectable, probably, and as well entitled to vote for the counties, as the 10*l.* householders living within boroughs; but this was not a principle adopted by the Reform Bill; and if we now adopt this proposition, we should be admitting an indefinite number of voters in the counties, to the entire destruction of the finality of the Reform Act. If it were a good principle, that, because 10*l.* householders are entitled to vote in boroughs, therefore 10*l.* householders, not living in boroughs, ought to vote for counties, then it follows, as a matter of course, that 40*s.* freeholders in boroughs, having now a right to vote for the counties, ought to vote for the boroughs; that there ought not to be any distinction between the rights of voting; and, in fact, that there should be a complete uniformity in those rights. The Noble Lord thought that the introduction of the 50*l.* clause made a difference. If there was any difference, it was open for the Government to reject the 50*l.* clause; but I do not see that the admission of the 50*l.* clause made any difference; and even if it had made a difference, it ought to have been stated when the Reform Bill was under consideration. If the 10*l.* householders were to be admitted to vote in counties, it would have been prudent to have stated so much at the time, and an arrangement should have been then made. We were told, at that time, that the measure of reform was most extensive; it was admitted that, in a country like this,

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in which there were such complicated relations of society, to make an experiment with safety, we should make it so extensive as that it ought to satisfy the country. That is a good ground for resisting the motion of the Honourable Gentleman. Then, Sir, the Noble Lord described three classes of opinions which existed with respect to the Reform Act. First, there was his own opinion, which was in favour of an adherence to the general provisions of that Act, but admitting of alteration in its details; secondly, there were those who, like the Honourable and Learned Member for Dublin, entirely distrusted the Reform Bill, as a failure, and wished for further changes in the representative system; and, thirdly, there were those who adhered to the letter of the Reform Act, but who wished to deprive the people of their legitimate rights under that Act, and to prevent their exercise, by intimidation and corruption. Now, I utterly disclaim belonging to any one of those classes; for while I adopt the spirit of the Reform Act, I do not wish to deprive the people of their rights under it; and I abominate the depriving them of that right by any corruption or intimidation. There is, therefore, a fourth class of persons, who supported the Reform Act as a settlement of a great constitutional question, — as final as it could be, for it is impossible to make even the most final measure of legislation without incurring the chance of its requiring change at some time or other. This class accepted it in the spirit in which it was offered by Lord Grey and by Lord Althorp, and took it in that sense as final,—a class who wish it to be carried out in that spirit, and who detest any species of intimidation or of corruption which would prevent the exercise, by the people, of the right to which they are fairly entitled. It is because I consider the Reform Act as a great constitutional settlement of the electoral system, that I resist any inroad attempted upon it.

The Honourable Gentleman the Member for Bridport asked the Noble Lord for some vague intimation of an intention. He said that the Noble Lord ought to give some vague statement of his opinions; but I say that such advice ought to be rejected by the Noble Lord. The Honourable Member asks the Noble Lord to give some general assurances for the purpose of deceiving the country. He asks for some deceiving and bewildering proposition, not for the purpose of improving the constitution of the country, but for enabling the Liberal party to fight, with some effect, their battle on the hustings. Sir, if you (Mr. Warburton) represent the Liberal party, I can tell you why you have lost the confidence of the country. If such are the principles on which you act, — if such is the advice you give,— that is the reason why you have lost the general confidence of the country. It is quite right in the Government to be explicit upon this point. If they mean to alter the Reform Act, they ought to come down and say it; but I protest against the new system of conducting the public affairs. The measures of the Government ought to be fully considered, both as to their principles, and in their details; but when they are ready, they ought to be submitted to Parliament. The executive Government ought to be responsible for the measures of legislation introduced, — throwing the future responsibility on the Legislature, either to adopt or to reject them. Such a system is not acted upon now; it is, now, the fashion not to legislate at present, but to give some assurance as to the future; and I can conceive nothing more calculated to prejudice the public interests, or to lower the character of the representative body with the public. It is calling upon the Parliament to be responsible for the acts of the Executive, and completely confounding the relations of the executive Government and of the representative body. Would the Honourable Member for Bridport be satisfied if the new Parliament, which is to be assembled, were not to meet till 1842? Would the Honourable Gentleman be satisfied with that? think he would. For any Gentleman more easily satisfied — not with the smallest *modicum* of reform, but with a mere proposal which would enable him to make a better figure on the hustings — than the Honourable Member for Bridport, I never saw. If, indeed, the Liberal party have lost the confidence of the country by giving such advice, let them repent them of their error; let them adopt an open and manly course of proceeding; and do not let them ask for any vague assurance of what would be proposed to be done at some future period. I can tell the Honourable Baronet that he would give no satisfaction by the present measure,— the extension of the 10*l.* franchise: let them not flatter themselves that it would be more final than the present system.

[Cries of "Hear, hear!" from the Ministerial benches.]

Then why do you not tell the House what you do require? See; here is an Honourable Gentleman urging the Government to promise to consider a measure —

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and yet he is obliged, by the cheers that respond to my question, to admit that the grant of the 10*l.* franchise was only to be the stepping-stone to some other measure. He asks her Majesty's Government to give an assurance upon the abstract merits of the present case, knowing well that the unenfranchised classes in the towns and in the boroughs would afterwards press with tenfold vigour their own claims. Have we not been told, and has it not been written, that the 10*l.* householders are the very worst class of persons to whom the franchise could be conceded? And though the Honourable Baronet endeavours to conciliate them by giving them the new name of the *shopocracy*, and saying that to these would be added the medical gentlemen, and the gentlemen residing in villas,—yet no union of the gentry, the medical men, and the shopocracy, would ever reconcile the unenfranchised classes. We have, then, the admission of the representative of the Liberal party in this House,—the declaration of the Honourable Member for Bridport,—that this alteration would be of no value, except as the foundation of future measures. But, says the Honourable Gentleman, if you will not yield this measure, the Liberal party will appeal to the country in favour of those measures which they advocate. Why,—has not that appeal been made?

[Cries of "Hear, hear!"]

On the question of the ballot there was no forbearance, nor on the question of the corn laws, nor on any of the questions of public interest have they ever forborne pressing their measures upon the country. The real fact is, that I have entertained a better opinion of the Liberal party than it appears they deserve, if the Honourable Gentleman is to be taken as their representative.

[Cries of "No, no!" from the Liberal Members.]

I had given them credit—and still, notwithstanding the disclaimer, I must give them credit—for not neglecting any fair and legitimate mode of giving full effect to their own opinions. Sir, this being my impression, I will not trouble the House with any further arguments upon this question. After the admission extorted from the Honourable Gentleman who has called for a declaration of the opinion of the Government, in order that he and some others may cut a better figure upon the hustings, I am satisfied that any dissatisfaction which might exist because there was no further reform brought forward, would be only increased by any partial measure of legislation. In the fair spirit in which the Reform Act was offered by Lord Althorp and Lord Grey, I accepted it, and I wish it to be carried out in the same spirit. The Noble Lord calls for a discussion on the question of registration and of the rate-paying clauses. With respect to the last of these, I shall express no opinion; but I never stated anything with a deeper conviction of its truth, than I now state, that we should not advance the interests of the country so much by any new scheme of representation, as by a faithful and punctual discharge of the duties committed to us, and by showing our constituents and the country that we are fully qualified to discharge those duties.

Mr. D. W. HARVEY.—Sir, I entirely agree with the suggestion of the Honourable Member for Bridport, that it is desirable, upon the present occasion, that those Honourable Members who take a large and deep interest in the cause of parliamentary reform should embrace this very opportunity of expressing their candid and unrestrained sentiments. This is not only due to themselves, to their constituents, and to the country, but also to the Government. I confess that I do not enter into those feelings of surprise, or of disappointment, intimated by my Honourable Friend the Member for Bridport, at a speech containing declarations so clearly and so unequivocally made as were those of the Noble Lord. They entirely coincided with my expectations. It is true that, during the last month, I could scarcely meet a person who was, or wished to be, a politician, who had not some secret and undefined expectation that the Government would be prepared to outstrip the most liberal anticipations of their supporters; and who did not reprobate any doubts which were expressed that the Government was not prepared to make any considerable advances in the cause of what is called parliamentary reform. But, however strong those expectations may have been, and on whatever basis they may have been raised, I never looked for any other declaration than that which has been so clearly, so unequivocally, and, I will add, so manfully and so openly made by the Noble Lord. I am still eager for further and great reforms; and I will remain consistent to the last as the advocate of them. But however I may have been pleased to find that the Noble Lord went to no inconsiderable extent in his wishes to carry out

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further the principles of the Reform Act, I own I should have regretted, after the Noble Lord's reiterated opinion, delivered in this House and recorded in his address to the electors of Stroud, if, for any party purposes, he had bent his opinions; or had endeavoured to countenance an idea that, to purchase a truce from hostility, he would make a partial change in his opinions. If, therefore, I vote for the motion of the Honourable Baronet, it is only for the purpose of showing that I am one of those who are anxious for further progress in the path of reform, however slow that progress may be. For myself, however, I think it is undesirable to be constantly dabbling in these small constitutional suggestions, and in this little ware of reform. I should be glad to see the Government giving a title to a Bill, and calling it "A Bill to reform the Reform Act:" I should be glad to see such a title, with the objects distinctly stated, and the details so considered that it might be, as far as it could be made so, both ample and final. But till this shall be done, I think it better that the time of the House should not be wasted, and that expectations should not be held out, to the real postponement of valuable measures of legislation, unless the Government are prepared to introduce a measure such as that to which I have referred, — a measure that will be satisfactory and agreeable to the wishes of the people. My Honourable Friend will allow me to say that I think he cannot excite in this country a feeling in favour of a restricted measure like the present. The Reformers, in all our towns, will not thank this House for a restrictive measure. No; their cry is, "You must largely extend the suffrage; you must limit the duration of Parliament; you must provide ample protection for the voter, whether it be by the ballot or by penalties against intimidation and corruption." I did hope that the Right Honourable Gentleman the Member for Tamworth would not have been content to declare in such strong and unambiguous terms his hostility to corruption, without announcing, at the same time, that he would give his succour to any plan for destroying those evils of which he complains. If the Right Honourable Baronet had done so, I should have been prepared to say that he was by far a better representative of a better system of government and reform than any to be found at present on the Treasury bench. I should then have inferred, from the hostility of the Right Honourable Baronet to the corruptions existing in our present system of elections, that he would be prepared to adopt even the ballot, if no better plan could be proposed for putting a stop to them. But, Sir, as the Right Honourable Baronet has now spoken, it was mere declamation, and well calculated to secure or excite an impression that he is friendly to such a reform, while at the same time he left the House in so much doubt as to whether the corruption might not be as rife, and the intimidation as awful, as they have been on recent occasions. Sir, there is another point on which I am anxious to express an opinion. I am not one of those who consider that, without reform, this House is not capable of proceeding with objects of useful legislation, — quite otherwise; for though I am a decided advocate for such objects, yet I do believe that the House contains within itself the elements of sound legislation. I do not conceal my decided conviction, either here or elsewhere, that the people themselves — that is, the constituent body — have much to do, before they might or could be highly improved in their notions of their political obligations; because, though I am aware that there are some small places which ought not to send Members to this House, — and that there are temptations in those instances which make the voters often strike a balance between their personal and their political interests, — temptations so powerful that they make an appeal to the moral sense too strong for their resistance, — yet I do maintain that in all towns the constituency of which amounts to 1000, there is in that body an ample power, a numerical strength, sufficient to protect its own virtue, provided there be but the disposition. I could run over many constituencies that occur to my memory, but I will refer to one town which I had the honour to represent for many years. There are 1200 electors and upwards in the town of Colchester. Why is it that those electors, many of them opulent men, and all, perhaps, well to do, do not send Reformers to this House? Because those 1200 are not friends to Reform, but to Conservatism. Sir, it will not do to let constituencies run away with the idea that they have nothing to do, because this House — or rather some persons in this House — entertain large speculative views of reform; for, after all, those speculations lead to no practical result, — and nothing is done towards such a result, beyond the delivery of some needless speeches. But it is desirable and essentially necessary that some steps should be taken by which a Government should be formed which might conciliate and secure such a majority in this House as would be able to carry out useful measures. For my own part, I confess, I see but little difference

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between those who occupy the Opposition benches, and those on the Ministerial side; for I find that nearly on all great questions, whatever difference there may exist between them, it is rather in the mode of expressing their opinions than in anything else, and that they pretty nearly come to the same conclusions; therefore I hope that some experiment will be made by those country gentlemen who were in the habit, in past times, of taking part in such grave matters, and that they will now adopt means to address her Majesty, praying her Majesty to appoint such Ministers as shall possess the confidence of this House. In my judgment, I conceive that such a Ministry might be formed, for the two parties have nothing else to do than to weed their respective forces of what may be called the dead timber,—that, on the one side, they should cut off those who are so extreme in their opinions, and, on the other side, they should get rid of those who are so unmanageable;—and then I think a Government might be framed which would be capable of carrying out many useful measures. I do not say this because my attachment to reform, or my conviction of its desirableness, is in the least impaired; but I do think it far better to leave the principles of reform to work their own way, until some important and definite expression of the public mind shall be obtained for our guidance, than to waste the public time in descanting upon minor points and suggestions, which can only tend to irritate the public mind, without doing any essential service to the cause of good legislation.

COLONEL DAVIES.—If it could be proved to me that the plan proposed by the Honourable Baronet would increase the independent constituency of the counties, I assure him that it should have my strenuous support. But I cannot conceive that such would be its effect. On the contrary, I believe that the result of the adoption of that plan would be to place the 10*l.* householders in all the rural districts still more under the control of their landlords than the 50*l.* tenantry; and as the latter are found, by fatal experience, to be under complete subjection to their landlords, I feel compelled to vote against a measure which I consider calculated to place the greater number of the counties in England and Wales at the mercy of the landed aristocracy.

Mr. HUME.—Sir, I quite concur with the Right Honourable Baronet opposite, that there is no mistake, this time. The Noble Lord has spoken out distinctly, and, I will add, manfully, and has stated opinions which are very unpalatable to many who have hitherto supported him. He has distinctly told the House, that whatever may be done in the way of reform, nothing is to be expected from him——

[Cries of "No, no!"]

—for the present, at least. Sir, I deeply regret the announcement of the Noble Lord, and I cannot bring myself to place much dependence on his assurance of what may, "perhaps," be done in some "future Session;" but when that Session, as the Right Honourable Baronet has observed, in reference to another question, will arrive, we do not know. What I wish to hear, and what I expected, was—an expression, not of the Noble Lord's individual opinion merely, but of that of the whole of his colleagues, and their declaration whether they mean to do anything, or what they mean to do, not prospectively, but immediately. The country has been told, elsewhere, that progressive reform is the principle on which the present Government is to proceed; and I did expect that by this time they would have been prepared to declare the extent and degree of that progressive reform which they have promised the country they would carry out. The Right Honourable Baronet has very truly declared that the speech of the Noble Lord has fixed the finality of the Reform Bill as strongly as anything that could have come from his lips. I concur in that view of the Noble Lord's speech; but I cannot bring my mind to the belief that a coalition will take place: I have a better opinion of both parties in this House. They have hitherto acted honestly in the maintenance of their several peculiar opinions, and I believe they will act so still. The time is not come when Honourable Gentlemen on either side will coalesce for the sake of carrying out their own party purposes, regardless of their former pledges. But I will pass over that, and ask my Honourable Friend if he really thinks he is correct in stating that a majority of the electors is against reform? But if that be the case, it should form one of the strongest inducements to the Government to increase and extend the franchise.

[Laughter.]

Honourable Gentlemen may laugh; but this would be so;—because, if the Government wishes to be supported in good measures, it must be supported, and can only be supported, by the popular voice. At the

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present moment, when one in five ought to have a vote, there is not one in seven who has. Is it wonderful, then, to find that the working classes, and others who are excluded from the franchise, should be anxious to send men into the House who would really represent their feelings, and endeavour to procure an amelioration of their condition? The Addresses that have been recently presented to the Queen show that the people are of opinion that no man should remain in office but men who are prepared to carry out sound progressive measures of reform. I am one who think that the people are generally dissatisfied with their representatives in this House; and that they are anxious to see, not rapid, hasty, or extensive reforms taking place, at once, but that they wish and expect that her Majesty's Government, wherever they find faults and abuses existing, would proceed to remove them, and not put off the necessary reforms from Session to Session. But when the Noble Lord, or any Minister of the Crown, admits such grievances to exist under the Reform Bill as he has admitted, is it fair or reasonable to expect that the people will be satisfied to see him contentedly and quietly putting the matter by, and unwilling to apply the remedy which he himself acknowledges ought to be applied? Sir, I think the time is come when it should be clearly understood what it is the Reformers want and the people require. It is my duty, and that of my Honourable Friends around me, at all times to express our opinions openly and distinctly; and I have no hesitation in saying that it is the duty of her Majesty's Ministers to give a fair scope for the discussion of the whole question of reform to every Member of this House, and to every man in the country. Her Majesty's Ministers ought not to interfere to prevent the question of the ballot being freely discussed; official connection with the Government ought not to prevent men in this House from having an opportunity for expressing their opinions on that subject; neither should this be the case with regard to the extension of the suffrage, triennial Parliaments, or any other measure of the like kind. I do not believe that the Right Honourable Baronet will be able long to resist those questions.

[Cries of "Question!"]

I can only say, that the country will be as much grieved as I have been at the declaration of her Majesty's Ministers; and I am certain that they will find it very difficult to maintain the position they have assumed. Yet it is better that they should thus speak, than that the country should be any longer deluded. I hope that the question before the House will come to a vote, for the purpose of showing the people who are disposed to support further reforms, and who are not.

[Cries of "Divide!"]

Mr. G. H. WARD.—Sir, I am not surprised at the declaration of the Noble Lord, for it is fully justified by many events. The Noble Lord has said that his opinions have been frequently misunderstood by some, and misrepresented by other persons; but all doubts are now cleared up by the speech of the Right Honourable Baronet opposite, and the declaration of the Noble Lord himself. I deeply regret the determination to which the Noble Lord has come; but at the same time I fully admit the honesty and candour which he has exhibited, and the perfect right which he has to announce his opinions in this House; but all that I deny is, the possibility of holding together a party composed of men, two thirds of whom pass far beyond the line which has been laid down for them by the declaration of that opinion. I think that this is a question which will decide the fate of the struggle between the two parties; and I believe that Honourable Members must be ready to go to the country prepared with a full explanation of their own views, and without the least reference to the views of those who may hold the reins of government. I beg to express my intention of voting for the motion of the Honourable Baronet, because I believe it to be unexceptionable in itself, and that no valid objection can be made by the Ministers to extending the franchise to a most deserving class of people, who are qualified to receive it. I give my vote upon the merits of the question, and I beg to make this profession of my political creed,—that it is my determination to extend the franchise, whether that policy may or may not suit those who happen to be at the head of the Government. I see that the House is impatient, and I will not detain them by any further observations; but I cannot help remarking that if the decision of this question should ultimately lead to the fusion of parties, not accustomed to act together,—as has been suggested by the Honourable Member for Southwark,—the matter would, in my opinion, in reality, resolve itself into a mere question of speaking on the one side of the House or on the other. If the Reform Act is to be a final measure, with the exception of the amendments in de-

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tail which have been alluded to, and is to be the basis of the new Conservative party, I cannot see any objection to its formation on the score only of the parties who are to form it having hitherto acted in opposition to one another. The motion involves a principle and an effect more important than I at first believed to belong to it, and I sincerely trust that the Honourable Baronet will not shrink from a decision being arrived at upon it.

Mr. WAKLEY. — Sir, I will only detain the House a very short time; but I should not do justice to my own feelings if I remained entirely silent, after what has passed. First of all, I am induced to ask for what purpose the Noble Lord and his colleagues have taken office again? I should like very much to have that question answered frankly and distinctly; but I fear that unless I apply to two great ladies, not very far distant from this place, I shall have no frank, candid answer — not one, at least, that will satisfy my mind. In adopting the course which they have taken, however, I have no hesitation in saying that the Ministers are trifling with the feelings of the people of this empire, and are pursuing a course unprecedented in the history of this country; and the question which I ask I am the more provoked to put, not on account of the speech of the Noble Lord here only, but in consequence of the speech of a Noble Lord elsewhere on Friday night last. It was a good Tory speech, fit for the old times of Toryism; and, in fact, if I had read such a speech as having been made by Lord Eldon in 1818, I should not have looked twice to see whether I had mistaken the name of the person by whom it was delivered. The Noble Lord said that he hoped that the constitution, as it now stands, would work well in times of trouble and danger; but he added, that the opinion of some of the most experienced politicians of Europe was, that it might not; and that, — if it went well in fair weather, — yet, when breakers appeared and clouds hovered over the ship, some difficulties might be found in which the pilot might lose the helm, and the vessel might become a wreck. If, then, this be his opinion, and that there may be danger in going forward with the principles of reform, why is he again at the helm? Why has he again entered the vessel of the state? Why has he again taken that post, when he before declared that he could not hold it with the approbation of his shipmates? Is it possible that the Ministers can continue in office, if their only means of retaining it is the pursuit of the same course which they before adopted? I am not one of those who desire that the Noble Lord should attempt to obtain support by making promises which he intends never to fulfil. I give him all credit for the candour of his declaration; but I expected that after the speech of the Right Honourable Baronet, some Honourable Member on the Treasury bench would rise in his place and say that the Right Honourable Baronet had gone too far in binding the Noble Lord down so closely. I expected to hear the Noble Lord say, "Get up, for I did not say so, — he is binding me down too fast." The Right Honourable Baronet, however, knew the opportunity which he had for displaying his powers: he spoke with glee and delight, and he said to himself that he had got the Noble Lord into a net, and he dragged him backwards and forwards through the water until he almost drowned him — until, indeed, I was almost ready to hold an inquest over him.

[Laughter.]

There was not a single Member of the Government, however, to rise in his place and say that the Right Honourable Baronet had, in any respect, misinterpreted a single word of what fell from the Noble Lord. Then what have we to expect from the Noble Lord? Nothing. That is all; and I am not disappointed. I have got just what I expected, and no more.

With reference to a recent transaction which has taken place at the Palace, I beg to say that I approve of the conduct of Ministers in taking office, so far; and I think that they would have been wanting in their duty to the Crown and to the people, if they had neglected to make themselves responsible for the act of her Majesty. The speech of this evening necessarily carries me back to that event. I regret that an occasion of such a momentous character has been allowed to pass off in mere empty words and speeches in the House, and I regret most deeply that it has not been recorded in the Journals of the House. Sir, it is a maxim of the Tory party, and of the constitutional authorities of that party, that the Crown can do no wrong. If so, the Right Honourable Baronet, then, cannot deny that he was in the wrong.

[Cheers and laughter.]

I think that it is fair to put such an interpretation on his conduct, and on his own opinion in reference to the matter.

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But should the Ministers, when they took office, have ended there? They should have gone on, and said, "We know why we lost office, and we will have a vote of this House on the subject, and we will present that vote to the Crown." Was anything of that sort done, then? There was not. I am an advocate for the monarchy and monarchical institutions, and desire to see them maintained and upheld; and I rejoice in what has been done by her Majesty, and in what has occurred with respect to the Right Honourable Baronet, because it shows us what are the peculiar qualifications of Toryism in these days. The Tories have, in fact, lost none of their grasping powers. The Right Honourable Baronet said in his own mind—(I know this was the kind of soliloquy which he held)—"Now, these foolish Whigs have thrown the ball into my hands, and I will use it to some purpose; and if I only act cautiously, I know that the Civil List and all the powers of the Crown will be at my disposal." That was the common sense of what he thought, her Majesty, however, was courageous and prudent, and acted in a manner which every Englishman must admire and esteem. She said, "I know my duty to the country, and I know that it requires me to give you full powers with respect to the construction of a Ministry; I am bound to obey the House of Commons, seeing that the constitution tells me that it is the representation of the people;" but when the Right Honourable Baronet demanded of her, her friends, ——

[Cries of "Question, question!"]

I know it is unpleasant to hear this; and if you will only be patient, you will not hear much more. The Right Honourable Baronet, however, having demanded that he should have the power of dismissing the females of her Majesty's establishment, she said, "No; I have personal rights which are consistent with the maintenance of the prerogative of the Crown, and not one of them will I part with." The Right Honourable Baronet, upon his principle, must approve of the decision to which her Majesty came; and if the Queen has reason, now, to rejoice at her Ministers having gone into office again, I would ask how long her pleasurable sensations are likely to continue? From what we have heard to-night, it might be supposed that her friends have forsaken her, and that she is about to become the Royal captive of the Tory party. It is with shame, vexation, and sorrow, that I observe the course of the Ministry. I tell them that their fate is now sealed; and it is evident to me, that, in case of a general election, the Tory party would gain a majority of sixty or seventy members.

[Cries of "Hear, hear!"]

I believe that the fact will prove the truth of what I assert. I do not entertain a doubt upon the subject, and it will be solely attributable to the stupid course pursued by the Government. It is most unfortunate that that course should have been pursued, because I think that nothing would be more likely to secure the interests of the country, than the faithful representation of the people. The Right Honourable Baronet has said that he hated bribery and corruption in any shape; but is there any man in the kingdom, who lives out of a lunatic asylum, who can believe that the Tory party, generally, dislike intimidation and corruption?

[Cries of "Oh, oh!"]

You groan at me: I am glad to hear it. It shows the workings of your troubled conscience. If you are not afraid of the honest maintenance of public opinion,—if you are not opposed to the candid opinions of every voter being declared,—why not give us the only mode of manifesting those opinions? Why not give us the ballot? I wish, however, that the motion of the Honourable Baronet may be carried first, with others of the same kind. Let there be constitutional modes of voting established, and I shall not object to the ballot; but I know that in small boroughs, which belong to the two great parties, the ballot would be as decided a shield to bribery as it would be for fair voting in general. Whatever may be the end of this motion, however, I am satisfied that, at no distant period, the country will demand that her interests should be attended to, and her rights granted; and whatever the powers of this House may be, they will be unable to resist the demands of the people of the United Kingdom.

Mr. SLANEY.—Sir, I have heard with great satisfaction the declaration of the Noble Lord. From the earliest period I have voted for reform; and, in my honest opinion, I believe the Noble Lord has done himself honour by the way in which he has acted on this question. After having voted with the Noble Lord for a long time, it would have been with deep regret had I been obliged, conscientiously, to vote against him. After a final settle-

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ment has been made of the great question of reform, when many concessions have been made by public men, I regret to see these endeavours to unsettle and enlarge it. I am glad to see that the present Ministry are not forgetful of the best interests of the country, and are not disposed to break down this great measure for the sake of retaining office. I believe that the great majority of the country is satisfied with the system of reform as it now stands, with such alterations and changes as the Noble Lord will not be unwilling to grant. For myself, I look for nothing from any Government; but I declare honestly, in my place, as a Member of this House, that I think the Noble Lord has done himself the greatest credit by the manly and straightforward declaration he has made, in spite of the censure to which it will expose him.

Mr. P. H. HOWARD. — It appears to me that if this concession were made to the county voters, without likewise extending a concession to the voters in towns, no permanent satisfaction would be derived. During the long progress of the Reform Bill, I voted with the Noble Lord (Lord J. Russell), and I then heard that "the Bill, the whole Bill, and nothing but the Bill" was acceptable to the country. If there were any other reason for inducing me to stand by the Noble Lord on this occasion, it would be this, — that he covets not the ignominy of certain of his friends around him.

[Cries of "Order!"]

SIR H. FLEETWOOD. — It would have been my wish and feeling, if I had it in my power, seeing the feeling of the House, to withdraw my motion; but I felt when a Member had given notice of a motion it was his duty to come to a discussion of it. I am now anxious to withdraw the motion.

[Loud cries of "No!"]

If, however, the House wishes to proceed to a division, I think it but fair and proper to put a statement right which has been misinterpreted on the part of the Noble Lord (Lord J. Russell). I certainly understood the Noble Lord to say that his opinions coincided with my own on the present motion, but that in the present Session he could give it no support, and could not promise to give any support to the motion in any future Session. Now, I am satisfied no one could be led to consider that the Noble Lord hereby pledged himself to oppose it on any future occasion.

The House then divided: — Ayes 81; Noes 207; — Majority against bringing in the Bill, 126.

AYES.

Aglionby, H. A.	James, W.
Aglionby, Major.	Jervis, John
Archbold, R.	Johnson, General
Baines, E.	Lambton, H.
Barnard, E. G.	Langdale, Hon. C.
Barry, G. S.	Leader, J. T.
Bellew, R. M.	Lushington, C.
Bewes, T.	Lushington, Rt. Hon. S.
Blake, M. J.	Marsland, H.
Blake, W. J.	Molesworth, Sir W.
Bridgeman, H.	Norreys, Sir D. J.
Brotherton, J.	O'Connell, D.
Buller, C.	Ord, W.
Bulwer, Sir L.	Parrott, J.
Butler, Hon. Colonel	Philips, M.
Callaghan, D.	Protheroe, E.
Chalmers, P.	Ramsbottom, J.
Chapman, Sir M. L. C.	Roche, W.
Clay, W.	Rundle, J.
Collier, J.	Scholefield, J.
Currie, R.	Sheil, R. L.
Curry, Mr. Serjeant	Stuart, Lord J.
D'Eyncourt, Rt. Hon. C. T.	Stock, Dr.
	Strickland, Sir G.
Duke, Sir J.	Strutt, E.
Ellice, E.	Style, Sir C.
Etwall, R.	Thornely, T.
Evans, Sir De Lacy	Turner, E.
Evans, G.	Vigors, N. A.
Evans, W.	Wakley, T.
Ewart, W.	Walker, R.
Finch, F.	Wallace, R.
Gillon, W. D.	Warburton, H.
Grattan, H.	Ward, H. G.
Grote, G.	White, A.
Hall, Sir B.	White, S.
Harvey, D. W.	Wilbraham, G.
Hastie, A.	Williams, W. (Cov.)
Hawes, B.	Winnington, H. J.
Hawkins, J. H.	
Hector, C. J.	*Tellers.*
Horsman, E.	Fleetwood, Sir H.
Hume, J.	Duncombe, T.

NOES.

Acland, Sir T. D.	Bowes, J.
Acland, T. D.	Bramston, T. W.
A'Court, Captain	Briscoe, J. I.
Alston, R.	Broadley, H.
Arbuthnott, Hon. H.	Brownrigg, S.
Ashley, Lord	Buller, Sir J. Y.
Bagot, Hon. W.	Burroughes, H. N.
Bailey, J.	Busfeild, W.
Bailey, J. jun.	Calcraft, J. H.
Baillie, Colonel	Castlereagh, Lord Visct.
Baker, E.	Cavendish, Hon. C.
Baring, F. T.	Cavendish, Hon. G. H.
Baring, H. B.	Cayley, E. S.
Baring, Hon. W. B.	Chetwynd, Major
Barneby, J.	Christopher, R. A.
Barrington, Lord Vt.	Clerk, Sir G.
Bateson, Sir R.	Codrington, C. W.
Bell, M.	Colquhoun, J. C.
Blackstone, W. S.	Compton, H. C.
Blakemore, R.	Coote, Sir C. H.
Blennerhassett, A.	Corry, Hon. H.

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Courtenay, P
Crawley, S.
Cripps, J.
Dalrymple, Sir A.
Darby, G.
Darlington, Earl of
De Horsey, S. H.
D'Israeli, B.
Douglas, Sir C. E.
Dowdeswell, W.
Duffield, T.
Dugdale, W. S.
Dunbar, G.
Duncombe, Hon. W.
Dungannon, Lord Vt.
Du Pre, G.
Eastnor, Lord Visct.
Egerton, W. T.
Ellis, J.
Erle, W.
Estcourt, T. (Oxf. U.)
Farnham, E. B.
Feilden, W.
Fellowes, E.
Ferguson, Sir R. A.
Filmer, Sir E.
Fitzroy, Hon. H.
Fleming, John
Forester, Hon. G.
Fremantle, Sir T.
Gaskell, J. M.
Gladstone, W. E.
Glynne, Sir S. R.
Gordon, R.
Gordon, Hon. Captain
Gore, O. J. R.
Goulburn, Rt. Hon. H.
Graham, Rt. Hn. Sir J.
Grant, F. W.
Greene, T.
Grey, Rt. Hon. Sir C.
Hale, R. B.
Halford, H.
Harcourt, G. G.
Hardinge, Right Hon. Sir H.
Harland, W. C.
Hayes, Sir E.
Heathcote, Sir W.
Heathcote, G. J.
Heneage, G. W.
Henniker, Lord
Hepburn, Sir T. B.
Herries, Rt. Hon. J. C.
Hillsborough, Earl of
Hinde, J. H.
Hobhouse, Rt. Hon. Sir J.
Hodgson, R.
Hogg, J. W.
Hope, Hon. C.
Hope, H. T.
Hope, G. W.
Hotham, Lord
Houstoun, G.
Howick, Lord Visct.
Hurt, F.
Ingham, R.
Irton, S.
Irving, J.
Jermyn, Earl
Johnstone, H.
Jones, J.
Jones, Captain
Kelly, F.
Kemble, H.
Knatchbull, Rt. Hon. Sir E.
Knightley, Sir C.
Labouchere, Rt. Hn. H.
Lascelles, Hon. W. S.
Law, Hon. C. E.
Lemon, Sir C.
Lennox, Lord A.
Liddell, Hon. H. T.
Lincoln, Earl of
Litton, E.
Lowther, Hon. Col.
Lygon, Hon. General
Mackenzie, T.
Marsland, T.
Marton, G.
Master, T. W. C.
Matthew, G. B.
Maunsell, T. P.
Miller, W. H.
Moreton, Hon. A. H.
Morgan, C. M. R.
Morpeth, Lord Visct.
Neeld, Joseph
Neeld, John
Noel, Hon. W. M.
Norreys, Lord
Pakington, J. S.
Palmer, G.
Parker, M.
Parker, R. T.
Parker, T. A. W.
Peel, Rt. Hon. Sir R.
Peel, J.
Pemberton, T.
Pendarves, E. W. W.
Perceval, Colonel
Perceval, Hon. G. J.
Pigot, D. R.
Pigot, R.
Plumptre, J. P.
Polhill, F.
Powerscourt, Ld. Vt.
Praed, W. M
Price, R.
Pringle, A.
Pusey, P.
Richards, R.
Rickford, W.
Rolfe, Sir R. M.
Rolleston, L.
Round, C. G.
Round, J.
Rumbold, C. E.
Rushbrook, Colonel
Russell, Lord J.
Rutherfurd, Rt. Hn. A.
Scarlett, Hon. J. Y.
Sheppard, T.
Shirley, E. J.
Sibthorp, Colonel
Sinclair, Sir G.
Smith, B.
Smyth, Sir G. H.
Stanley, E.
Stansfield, W. R. C.
Stewart, John
Stuart, V.
Stormont, Lord Visct.
Sturt, H. C.
Tancred, H. W.
Troubridge, Sir E. T.
Tyrell, Sir J. T.
Vere, Sir C. B.
Verney, Sir H.
Villiers, Lord Visct.
Vivian, J. E.
Vivian, Rt. Hon. Sir R. H.
Waddington, H. S.
Wall, C. B.
Walsh, Sir J.
Wilmot, Sir J. E.
Winnington, T. E.
Wodehouse, E.
Wood, C.
Wood, Colonel T.
Wood, T.
Worsley, Lord
Wyndham, W.
Wynn, Rt. Hn. C. W.
Young, J.

Tellers.
Howard, P.
Slaney, R. A.

CORONERS.

SIR HESKETH FLEETWOOD moved for leave to bring in a Bill to limit the time of taking the polls at elections of coroners for counties to one day, and for increasing the number of polling places.

On the question being put, —

Mr. WAKLEY said:—I will merely observe, that experience has already shown me there are many alterations requisite to be made in the election of coroners, and which may be made, without reference to any party or political feeling of any kind. There are many excrescences in the present law to prune, and many things to add. As the proposed Bill extends but to the removal of one, only, of the evils connected with the office, the change in itself would be nothing unless we were also to specify who were to be coroners, and made some reference to the qualification of voters. Under all the circumstances, as this measure would only amount to the removal of a very trifling amount of the existing evils, I do hope that the question will be left to another Session, and I promise I will employ as much industry as I can for the purpose of discovering what ought to be done with reference to the office, and will give the measure every aid in my power.

Mr. PAKINGTON. — I agree with the Honourable Member that the Bill ought not to be brought in at this period of the Session; and, moreover, I think that the Bill brought in by the Honourable Baronet is by no means sufficient to meet the required alterations with regard to the election of coroners. I quite agree with the Honourable Member for Finsbury that several alterations are needed. The Bill does not go near far enough.

Mr. J. JERVIS. — I hope that the Honourable Baronet will proceed, so that the Bill may be printed; and Honourable Members can then see what its provisions are.

Mr. C. WYNN. — I certainly think it

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is inexpedient to legislate in this partial manner on a question involving so many details. There ought to be some intelligible qualification established for voters; and until that be done, it seems quite absurd to attempt to bring in any motion.

SIR H. FLEETWOOD. — I wish, first of all, to have the Bill brought in and printed, that it may be circulated throughout the country, and that I may by that means be enabled to receive suggestions relating to it. But if I then see no expectation of carrying the Bill this Session, I will adopt the suggestion of the Honourable Member for Finsbury, and withdraw it for the present.

SIR E. KNATCHBULL. — I hope the Honourable Baronet will not press the Bill in the present Session.

Mr. O'CONNELL. — It is admitted that there are many evils attendant on the present system of coroners. Attempts have been made to introduce some general plan of reform in the system, and have failed. The Bill of the Honourable Baronet deals with only one prominent evil, and I think he should be allowed to bring it in.

The Bill was then ordered to be brought in by SIR HESKETH FLEETWOOD and Mr. O'CONNELL.

REGISTRY OF ELECTORS.

Mr. EWART. — Sir, I have given notice of a motion for leave to bring in a Bill to render the registration of electors final; but as the Honourable Member for Ipswich has introduced a Bill which differs only in some slight particulars from that which I had prepared, I hope to be able to arrange those points of difference with the Honourable Member; and I therefore will not now press my motion. The Bill I proposed to introduce would enact, first, that the registry of electors should be final until the next visit of the revising barristers; and, next, that no committee of the House of Commons should be allowed to enter into any question involving the disqualification of a voter, unless such question had been previously mooted before the revising barrister.

DUNMOW UNION WORK-HOUSE.

SIR J. TYRELL presented petitions, praying that this House will in nowise interfere with the order of the Poor Law Commissioners for the erection of the union workhouse at Great Dunmow, — from Dunmow (magistrates and guardians of the Dunmow union); and clergy, gentry, and others of the Dunmow union. — To lie on the table.

Mr. WAKLEY. — I will move that the order for the motion of which I have given notice on this subject be discharged, for the purpose of bringing forward one differently worded, to which the Government do not object. I will now move that there be laid before the House — "Copies of any communications to or from the Poor Law Commissioners concerning the erection of a workhouse in the union of Dunmow." As it is the wish of my Honourable Friends around me that I should not enter, now, into the statement which it was my intention to make, I beg leave to postpone it until the papers I have moved for are before the House.

SIR J. TYRELL. — The workhouse in question is only half finished. It is insured for 2000*l.*, and must, by the contract, be finished in September. The ratepayers, might, therefore, be very much inconvenienced if any further postponement of this question on the part of the House now took place.

Mr. WAKLEY. — No delay is intended. Government have agreed to the production of the papers.

The motion was agreed to.

EDUCATION — CALL OF THE HOUSE.

LORD ASHLEY. — I rise, Sir, pursuant to the notice I have given, to move that the House be called over on Friday, the 14th instant. I believe I am relieved from any fear of opposition to the motion, by the fact that the Noble Lord the Secretary of State for the Home Department has avowed his intention of seconding it.

LORD JOHN RUSSELL. — I rise to second the motion, as I have already stated my intention of doing. I will take the same opportunity to assign some reasons why I conceive the House should not be influenced by statements in petitions on this subject, no doubt honestly intended, but totally at variance with the plan proposed by the Committee of the Privy Coun-

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cil. One prevailing error is, the assumption that the plan proposed is intended to apply uniformly to all parishes throughout the kingdom. In each school that is to be established, it is proposed that the persons to be educated in it are not merely to be day scholars, but that they are to live in the house. Therefore, it is obvious that neither the system of the National School Society, nor that of the British and Foreign School Society, will be applicable to this plan. Under the National Society plan, any child educated must belong to the established church; and thus it necessarily becomes an exclusive school, and those who would send individuals to be taught at them must be aware that they will be under this exclusive system. If you take the British and Foreign School system, under which the children receive instruction in reading the Scriptures, and also religious instruction, either from the established church, or in conformity with the tenets of the religious societies to which their parents belong, that is open to other objections. I have always belonged to the British and Foreign School Society, and I am proud and gratified at my connection with it. By the plan of that society, it is provided that the Scriptures shall be read in the schools belonging to it, and the children shall, on the Sunday, attend divine worship at the church, or attend at the peculiar place of worship of their parents; and, also, that all the children shall receive religious instruction one day in the week, in conformity with the religion of their parents. This system, it is obvious, cannot apply to children remaining in the school all the week, and not being under immediate parental superintendence; it has, therefore, been thought necessary, in the plan that has been prepared, that we should direct the appointment of a chaplain of the established church, and that provision also be made that the children of Dissenters shall be instructed in the peculiar religious tenets of their parents. It has been assumed that this is the system which is to be established throughout the country. Now, as neither the principle of the National Society, nor that of the British and Foreign School Society, will apply in the proposed schools, so neither can the plan that has been alluded to apply all over the country. According to the rule of the National School Society, all the children must attend divine worship, with the master of the school, at the parish church on Sundays; but I think that the rule on the same subject which has been adopted by the British and Foreign School Society is more fair and extensive in its operation.

But another feeling has gone abroad, which is a most mistaken one, and has arisen from an erroneous view that has been taken of a few words occurring in the Report of the Committee of the Privy Council. It has been said, with respect to the children of Roman Catholics, that they will be allowed to use their own version of the Bible. From this it has been inferred that there are to be new versions of the Bible used in their schools; and it is also assumed that they are to be generally used. Now, although there is not such a great difference between these two versions of the Bible as has been described, still I am aware that objections may be urged on the assumption that two versions of the Scriptures are to be commonly used. But in the way in which the plan is proposed in the Report of the Committee of the Privy Council, it is not open to any such objection. The principle that it is proposed to act upon is by no means a new one; for it has already received the sanction of this House and the Legislature in an important enactment. It is enacted in the Poor Law Amendment Act, that, in the workhouses, the pauper children shall be assembled in a school and instructed; and that Act also provides that each child shall receive instruction in the peculiar religion professed by its parents. Now, if any of the inmates of the workhouses shall happen to be Roman Catholics having children, those children of Roman Catholic parents will require Roman Catholic teachers to attend them, who, of course, will bring with them Roman Catholic books of instruction; and I am not aware that this has been objected to. I therefore think that the outcry which has been raised on this point has arisen out of a completely mistaken view of the subject: and when I say this, I will also observe that there are several other points on which the instructions of the Committee of the Privy Council have been completely misunderstood, — I will not say misrepresented, — but misunderstood so completely as to put an effectual stop to the plan proposed by the Committee of the Privy Council. After this misunderstanding, and after the effect which it has produced, I arrived at the conclusion that it would be unadvisable to pursue the proposed plan further at present. The most excessive eagerness has been manifested in opposition to the system; and the zeal of the opponents of it has been carried to an extent that I cannot account for. I have this day received a letter, informing me

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that a clergyman actually read a petition against the plan at the conclusion of his sermon, and called upon his congregation to sign it. I have also received the copy of a petition which is described to be against the Government plan, — "for expelling religious instruction from the schools of this country." Now, this can only have arisen from a perverse anxiety to exclude the public from forming a correct notion of the plan; for a want of religious instruction cannot, with any fairness, be said to be one of the objections to it.

It has also been observed that another objection to it is, that when the children are receiving together general instruction under the same roof, from the several religious teachers imparting instruction in their peculiar tenets and doctrines to the children respectively belonging to their various sects, there will be a tendency to shake a steadfastness of belief, and render doubtful their convictions in the doctrines of their own churches. I will not say whether or not this is a valid objection to the plan, or whether it is open to any such objection; but I must say, that the zeal that has been manifested on this point is most extraordinary, when taken in contrast with the practical infidelity which has prevailed for so long a period on the part of many of those persons on this subject. If reference be made to the Reports of the inspectors of prisons, it will be seen that it often happens that forty or fifty persons are found in a gaol who can neither read nor write, and many others who cannot repeat the Lord's Prayer, or who, knowing it, cannot attach any common meaning to it, or give an answer to the most simple questions as to the doctrines of the Christian religion. When I recollect the state of the classes most subject to the criminal law, and who are most severely punished for any offence against society, — and when I know that such a large portion of them have not been taught the simplest elements of religion and morals, and when questioned by the chaplains of the prisons, have hardly known of the existence of a God, or of the doctrine of the death of Jesus Christ, — I should not have been surprised if such zeal as has been shown against this plan had been manifested against this lamentable want of instruction. I do hope that, while this plan, which has been so much misunderstood, and which has, unjustly, brought so much obloquy on the Government, is withdrawn, the principle of instruction which it involves will not be allowed to sleep. I hope that the zeal for religious instruction will continue; and that all those who stand in need of it may derive the benefit of education, whatever may be their religious creed. Although the Government may have suffered from the attacks made on it, in consequence of bringing forward this plan, I still shall rejoice if it can be turned to a useful purpose, and promote the moral and religious instruction of the people, in connection with the peculiar doctrines of those zealous persons who now appear so anxious to promote education in that way. I shall willingly bear all the odium that has been cast on the plan, if the result be that the extent of ignorance which now unhappily prevails can be diminished; and that those classes of persons who are, at present, reared in ignorance have an opportunity afforded them of learning their duties to God and man. I repeat that, under the circumstances, it is not the intention of the Government to persist in the proposal to found the normal school. I shall be prepared, when the proper time arrives, to go into a statement on the Report of the Committee of the Privy Council; and I shall then propose the vote of which I have given notice; and I shall also propose that it be divided, as at present, between the National School Society and the British and Foreign School Society: but, in agreeing to this plan for the present, I feel bound to observe that I am by no means satisfied to leave the matter as it is, and to give the control of the education to two voluntary societies, which may have very imperfect and defective plans of education, that may be open to the most serious objections. I am glad that increased attention has been devoted to this question since I addressed my constituents on the subject in 1837; and I trust that all classes will look to a more general diffusion of the blessings of education. In conclusion, I will only add that, in the first place, I am satisfied that it is the duty of the House and the Legislature to promote the instruction of all classes of the community; and, secondly, that, in doing so, they should not confine themselves to any exclusive system of instruction. These two principles will, I trust, be adhered to; and, in seconding the motion of the Noble Lord opposite, I will leave the Noble Lord to follow the course he may think best, after the production of the papers. I have much pleasure in seconding the motion of the Noble Lord.

Mr. GOULBURN. — During the whole time I have held a seat in Parliament I have never known so extraordinary a course taken as that which has been adopted by the Noble Lord. It is, indeed, most ex-

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traordinary that the Noble Lord should have taken this opportunity for entering into a discussion of one of the most important subjects that can possibly come under the consideration of the House. The Noble Lord, if I understood him rightly, tells the House that he has entirely abandoned the plan which, no longer ago than last Friday night, he appeared so confident of bringing forward, — judging by the readiness which the Noble Lord had shown in saying that he would second the motion of his Noble Friend the Member for Dorsetshire. The Noble Lord has, in seconding the motion for calling the House together, in order that the subject may be fully discussed, taken the opportunity of making an attack on the objections of those who are conscientiously opposed to the Government plan, and of throwing out insinuations — to use no stronger term — with respect to the persons who have petitioned against it. Now, I have been intrusted with a petition from the University which I have the honour to represent, and also with petitions from various other places, against the Government scheme of education, as that is collected, from the papers which were laid before the House a few days ago; and although I have not yet found an opportunity of presenting them to the House, I can tell the Noble Lord that the persons who have signed those petitions are as capable of understanding the plan as the Noble Lord himself. On looking to the number of petitions that have been presented against the resolutions recently laid on the table, I am prepared to say that the persons who signed them understand those resolutions as I understand them, and that they concur in the objections which have been urged against them in this House. I certainly do not think this is a time to go into a discussion of the subject; but I consider that it would have been more fair of the Noble Lord, if he had given some notice of his intention to do so, instead of entering on the discussion so unexpectedly.

There is one part of the Noble Lord's speech which I feel myself compelled to answer, — and that is, with reference to the neglect with which some persons are charged on the subject of education. Now, if I were disposed to impute to one party more than another a want of zeal in bringing forward some plan of education to supply the great deficiency of it that at present exists, I do not think that imputation would rest on the party who oppose the Government plan. Have there not been large public meetings in almost every part of the country for reforming the present defective system, which is the more strongly felt owing to the great want of religious instruction? And have not those numerous meetings preceded the motion of the Noble Lord? I quite agree with the Noble Lord in deploring the evils which arise from defective education, and in saying that it is lamentable to see the ignorance of the great truths of religion that is shown by many of the lower classes of society. There are many cases in which the opportunities of instruction that have been afforded are rendered ineffectual, either from the conduct of the parents of those unhappy persons, or from the habitual aversion of youth to receive it; but these are the consequences of ignorance rather than proof of a defect of attention on the part of those religious instructors under whom these persons are placed. As to myself, I certainly must say that I consider all education as good for nothing which does not comprise religious instruction. The plan, however, proposed by the Government, — I mean the one now lying on the table of the House, — in my opinion, tends greatly to encourage a general laxity of religious principles; and, entertaining this opinion, I cannot possibly approve of it. I will not trouble the House with any further observations on the subject; but my only object in rising was to observe, that the speech of the Noble Lord was entirely unexpected by me, as I believe it to have been by many other Honourable Members.

Mr. HUME. — I regret that the Noble Lord has been obliged to give up his plan; but after the misrepresentations which have gone forth respecting it, I was not wholly unprepared for such a result. The members of the Church of England, instead of supporting this plan, have manifested the utmost opposition to it, and stated that they are most anxious for the extension of education in connection with the church; but I believe that their conduct is influenced by a design of maintaining the present state of ignorance throughout the country. I recollect that when I was a member of the committee of the Lancasterian Society, some years ago, the clergy used every exertion to put it down; and when they found that they could not do so, they started another society; and I am convinced that, if at that time the Lancasterian Society had come to Parliament for a grant of money, they would have been met as the present plan has been. The clergy have ample means and sufficient resources to educate all classes; but they have entirely neglected that duty. The clergy are amply paid for the instruction of

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the people, and all the evils that have arisen from withdrawing it have resulted from the allowance of pluralities and non-residence. I contend, therefore, that the Church of England is answerable for the prevalence of the ignorance and crime that exist in this country to such a frightful extent. After all my experience, however, I hardly thought that the plan would have been treated in the manner in which it has been. I am sorry that the discussion has not come on respecting the plan; for if it had, an opportunity would have been afforded of exposing and doing away with many of the objections that have been urged against it, and thus the feeling that has been excited throughout the country would have been allayed. Nothing can be more absurd and monstrous than some of the opinions that have been put forward in some of the petitions presented to the House. I have seen, in one petition which has been presented from 439 schoolmasters against the Bill, an observation to the effect, that they would rather see the children die in ignorance than have them educated under the proposed plan. What can be expected, when we see such a remark emanate from those who are regarded as instructors? I hope the people of England will loudly demand that justice be done to them; and I think it is entirely owing to the scandalous neglect of the heads of the church establishment, which is so richly endowed for the purposes of education, that such ignorance prevails; and therefore they ought to be the foremost to support the Government in the plan it has proposed.

LORD VISCOUNT MORPETH. — I merely rise to reply to some of the observations of the Right Honourable Member for the University of Cambridge, and to say that, in my humble judgment, at least, the proceeding of my Noble Friend the Secretary for the Home Department is not at all open to the reproof it has received. On the contrary, my Noble Friend was right to take the first opportunity that is offered by any motion to inform Parliament in due time of the course he means to pursue, and to refute and contradict the offensive, mendacious misrepresentations ——

[Loud cries of "Order!" and, "Hear, hear!"]

that have been made with respect to the Government plan, through so many different channels. Why, Honourable Members cannot take up a single daily or weekly newspaper, without finding endless misrepresentations made of this plan. My Noble Friend is not forestalling any discussion on the subject which is to take place according to previous notice, because he has stated that, in deference to the opinion expressed by the country, he does not intend to press his present plan on the House. I hope that the country may form a more deliberate opinion upon the subject, and that there may be adopted, at some future time, a plan of universal education; for I trust this question is only delayed for the present. My Noble Friend, however, I am happy to think, is resolved to obtain as much education for the people as possible; and for that purpose he will still call upon the House for a grant of 30,000*l.* for the purposes of national education, which shall be distributed by the two societies named by my Noble Friend, — but possibly under some better and different modifications of the system upon which those societies act at present. When the Right Honourable Member says that he thinks education is good for nothing without religious instruction, and that the present plan tends greatly to produce a laxity of religious principles, he must forget that both the speech of my Noble Friend, and also the plan laid down by the Committee of the Privy Council, are most emphatic and expressive in the contradiction of such results being intended by the present plan: in neither is there the slightest ground for such an assumption.

SIR E. KNATCHBULL. — This is the first time that I have ever heard a Minister of the Crown venture to designate such petitions as "mendacious and offensive."

[Loud cries of "No, no!" and, "Hear, hear!"]

I appeal to the House, whether such observations have not been applied, by the Noble Lord, to the petitions sent to the House on the subject of the Government plan of education?

[Cries of "No, no!"]

If I am wrong, the Noble Lord will have an opportunity of setting me right, and of doing away with an impression which his observations have made on my mind, as well as, I believe, on the minds of other Honourable Members. I understood the expressions of the Noble Lord to be to the effect that I have described.

[Cries of "No, no!"]

The Honourable Member for Kilkenny

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says that this is a church question, and insinuates that the petitions which have been presented, praying the House not to agree to the plan of education proposed by her Majesty's Ministers, have been got up through the agency of the clergy. I will ask whether the Wesleyan Methodists are connected with the church? — yet that most respectable body of Dissenters have, *una voce*, declared against the adoption of this plan. The petitions that have been presented express the opinions of a large portion of the people of England; and it is in consequence of this that the Noble Lord has not thought proper to submit the proposed plan to the consideration of Parliament. My Noble Friend has moved for a call of the House, in expectation of this subject coming on, on Friday, the 14th; and after what fell from the Noble Lord the other night, it was generally believed that there would be no objection to the motion. It was thought that the Noble Lord would have seconded the motion in the regular and proper manner.

[Cries of "Hear, hear!" and, "Oh, oh!"]

Ay, in the regular and proper manner, for I contend that the Noble Lord has been most irregular in proceeding to discuss a motion which it was understood was to be unopposed, and which might have come on in the early part of the evening. This is an unopposed motion, and nobody expected that the Noble Lord would have made a speech on the subject of education.

[Cries of "Oh, oh!"]

I will appeal to the House whether it is not generally understood that when my Noble Friend proposed his motion for the call of the House, and when the Noble Lord gave notice of his intention of seconding it, — whether it was not generally understood that it was to be unopposed? It may, however, be thought that the Noble Lord availed himself of the absence of the Right Honourable Member for Tamworth, — who, probably, would have answered him had he been present, — and has taken the opportunity of explaining his reasons for abandoning his proposed plan, in what I must designate as not either a very clear or a very distinct explanation.

[Cries of "Hear, hear!" and, "Oh, oh!"]

It will be said that the Noble Lord availed himself of such an opportunity of abandoning the plan which was to give education without religious instruction. I do not believe that this was the intention of the Noble Lord, or of those who act with him, in proposing the plan; but such, certainly, is the belief of many with regard to the plan, and the course that has been pursued will certainly lead to that opinion throughout the country. This opinion has been formed on seeing that the whole control of the general education of the country is to be left to a Committee of the Privy Council, and not a single ecclesiastic is a member of this body! It may be said that there are to be chaplains to these schools who are ministers of the church; but these are all subordinate officers under the control of the Committee of Privy Council. In a body so constituted, in the present circumstances of the country, there will be little confidence, — and, above all, when the situation is recollected in which they are placed. I agree in all that has fallen from my Right Honourable Friend near me, and only regret that the present course has been taken. I, at present, understand, from what has fallen from the Noble Lord, that his proposition will be, that the 80,000*l.* which he intends to propose we should vote shall be expended under the superintendence of the two societies to which the pecuniary grants have, hitherto, been made. If this be the case, I believe that there will be no very serious opposition to the plan. I felt bound to rise after the observations which have fallen from a Noble Lord, and which I understood in the sense I have stated; but if I am under an erroneous impression, I shall feel happy in being corrected.

LORD MORPETH. — I rise to offer one word in explanation. I think I can remember the terms of which I made use. They were the words "mendacious and offensive;" but I will not retract them, as I applied them only to the misrepresentations that have been made through so many different channels, and I in no way applied them to petitions, nor had I, indeed, at the time I used them, any idea of petitions in my mind.

SIR E. KNATCHBULL. — I regret that the Noble Lord has not stated the channels to which he did allude, as I cannot understand to what he alluded, if not to the petitions that have been presented.

LORD VISCOUNT HOWICK. — I cannot help remarking that the Right Honourable Baronet has manifested a

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singular talent for totally misunderstanding the language and observations of my Noble Friend, otherwise he would not have so completely misrepresented what has taken place. I am quite satisfied that no other person who has listened to the speech of my Noble Friend can have supposed that the observations he made applied to those who have signed the petitions against the proposed plan. I think that the term "mendacious misrepresentation" was most properly applied to those parties who got up the excitement that has prevailed, with the view of deceiving others, and inducing feelings of opposition to the plan, and with the view of leading persons to sign their petitions. With reference, also, to what has fallen from my Noble Friend the Secretary of State for the Home Department, nothing can be less improper or unfair than for him to explain the nature of the vote he intends to propose, when he seconds the motion for a call of the House, and to say that he does not intend to press the plan which has been the means of exciting such a feeling as he has described. Could anything be more fair on the part of my Noble Friend, than to provide that, previously to the House coming to a vote, there should be no misapprehension as to the nature of the motion which he intends to make? What does my Noble Friend gain by the course that he has pursued? He has merely explained the feelings that have induced him to abandon his plan, and to propose a vote somewhat different. So far from this being unfair, it gives an opportunity to Honourable Gentlemen opposite to consider what answer they shall give to his statement, or to the proposition that will be grounded on it. The Right Honourable Baronet states that this is an unopposed motion, and that it might have been made at the beginning of the evening; and that it is, therefore, irregular for my Noble Friend to make any observations on seconding the motion of the Noble Lord. Is the Right Honourable Baronet aware that it often happens that unopposed motions are discussed for hours? What is more common than to debate the most important questions of foreign policy, on motions for papers, to the production of which there is not the slightest objection? The course, therefore, pursued by my Noble Friend is entirely in conformity with the proceedings of the House. Considering the manner in which the plan of education has been misrepresented and misstated, the complaint of unfairness made against my Noble Friend appears to me to be most extraordinary and uncalled for, as he was only anxious to give the most ample notice of the views and manner in which the Government intend to proceed.

Mr. LITTON. — I feel that, as the country has been alarmed from one end to the other at the announcement of the proposed plan of education, we are justified in expecting the fullest explanation from the Noble Lord. It has been stated that the feeling that prevails has been the result of the misstatements and misrepresentations which have been put forward on the subject. If this be the case, why does the Noble Lord shrink from a full discussion of the plan, and from showing that the objections that have been urged against it have been the result of misrepresentations and party feelings? Those Honourable Members who sit on this side of the House had a right to expect that an opportunity of fully discussing the plan would be afforded to them; and when the Noble Lord stated, on Thursday last, that he would second the motion of my Noble Friend for a call of the House, I will ask whether it was not the belief of every man, here, that he was prepared to justify the plan which he had announced, and to take the sense of the House on the subject? There can be no mistake as to this plan. It is a plan for mingling up in one common school the children of the Socinian, the member of the Church of England, and the Roman Catholic. The mixture of children of all religious persuasions would not fail to destroy every principle of elementary religion whatever. I deny that the representations which have been made by the opponents of the Government scheme, whether in or out of this House, are mendacious. The statements which have been made from this side of the House are strictly true, and express the opinions of all who have any religion in their hearts. I challenge discussion on the question, and then let it be judged who is wrong and who is right. The Noble Lord has heard some severe remarks on his conduct with regard to this measure; and while he and others pursue similar plans, — while their measures go to destroy all true religion, — he will hear observations still more "offensive." Of all the bad measures brought forward by her Majesty's Government, I firmly believe this is the worst. It strikes at the root of the morals and religion of the country, and will tend to the destruction of civil and religious freedom.

Mr. O'CONNELL. — The Honourable and Learned Gentleman entertains very

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peculiar notions; for he maintains that if the children of parents holding different opinions in religion, are educated together, the result of the entire scheme will be the production of a kind of negative quantity, and end in no religion at all. There is no country in Europe where the children of different persuasions are not educated together. Let us look at the Report of Mr. Nicholls on the state of Belgium and Holland, and we shall find the Calvinist, the Lutheran, and the Roman Catholic educated together in amity and perfect good faith. This is the spirit which ought to exist between Christians, and forms a cheering contrast to that bigotry which allows no freedom of thought, and grasps at everything. The Church of England is the richest national church in Europe, and it is the church which, of all others, has contributed the least to education; and it is a lasting disgrace to her, that of all countries in Europe, England alone should have no system of national education. The Right Honourable Member for the University of Cambridge maintains that the Church of England does educate the people; but what does he mean by that? Will the Right Honourable Gentleman educate Dissenters or Roman Catholics? No, he will not! Yet the 30,000*l.* proposed to be voted for education, is not the money of the established church, any more than it is the money of the Independents, Baptists, or of any other religious sect; for it comes as much out of their pockets as it does from the pockets of members of the Church of England. It is as much the money of the Dissenters as it is theirs. Yet, what is the public outcry and clamour which have been raised, except that no part of that public money shall be expended towards the support of any system of national education which is not founded on the principles of the established church? I declare such a plea to be bigoted and unjust. If you permit only one version of the Scriptures to be read at the public schools, children, when they are grown up, will find they have been deceived. Besides, I will ask, what harm can the perusal of the different versions produce? All that was formerly insisted on, was, that the Roman Catholics should read the Bible. But now that the Roman Catholics are ready to do so, by the adoption of the Government plan, their opponents turn round and say, they shall not be allowed to read their own Bible. I do not wish the Roman Catholic version to be put into the hands of any except Roman Catholic children. To ask for more, would certainly be unjust and unfair. All that I ask is, perfect equality for all children — to be educated as children of that special persuasion which their parents follow, — that the children of parents of the Church of England shall be educated in the principles of that church — Dissenters according to their particular tenets, — and the Roman Catholics according to theirs. I will ask, which is the most numerous persuasion? The Roman Catholic is the most numerous in the British isles. We have seven millions in Ireland, and two millions in England; and I beg to add, they are not diminishing in numbers. Yet Honourable Members opposite wish that this numerous and increasing class shall be shut out from the benefit of their own money. What is the cause of this? Are they afraid to let the Roman Catholics have the benefit of education? Do they wish to keep them in ignorance, that they may be the more easily converted? This is a narrow and most singular course, for in all other countries the children of all persuasions are educated together on a footing of equality. The clergy of the established church have availed themselves of this opportunity to raise the old "No Popery" cry, without any justifiable reason. I am sorry to hear that the Noble Lord intends to abandon his plan, and that he proposes to give public money to voluntary societies. Those societies will allow none but the legalised versions of the Bible authorised by law to be read at their schools, so that such a scheme will practically exclude the Roman Catholics from all benefit. I protest against the appropriation of the public money to such purposes, and think that the public at large ought to have the benefit fairly and freely.

COLONEL SIBTHORP. — The fact is, the Noble Lord opposite is always seizing an opportunity of politically shuffling out of a difficulty; but I can tell him, these tricks will no longer serve him, as the eyes of the country are at last open to them.

Mr. SLANEY. — Sir, I very much regret that the tone of the discussion has partaken of party acerbity. I cannot think that the Noble Lord is liable to any censure for abandoning a plan, against which, whether owing to misrepresentation or not, the opinion of the country has been expressed. At the same time, I cannot acquit Honourable Gentlemen on this side of the House of having used harsh expressions. The Honourable Member for Kilkenny has said that the ignorance of the people was to be attributed

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to the clergy of the established church; and against that assertion I feel myself bound to protest. It may be that, in common with other members of society, they may not have made any great exertions in the cause of education, but they have always been foremost in giving their aid whenever called on. But the question is, whether we ought not to consider what is proper to be done on the present occasion. I admit that the National Society has done a great deal for the education of the people; but that society cannot be sufficient for a ll the purposes required.

GENERAL JOHNSON.—I rise to order. There is a great deal of business on the paper, and it is improper for the Honourable Member to discuss a question not regularly before the House.

The SPEAKER.—The House has certainly wandered from the question; but still I cannot say that I see any ground for the interference of the Chair.

Mr. SLANEY.—I only intended further to observe, that the National School Society, and the British and Foreign Society, enable the Dissenters to have a good education; and I hope that, by the means of these two societies, and the assistance afforded them, much greater bodies of the people of the country will receive the advantages of education. With respect to the Roman Catholics, I think a plan might be devised to which liberal men belonging to the established church would not object.

Mr. GODSON.—It certainly is most extraordinary that not only the Members who sit on this side of the House, but almost all who have read the minutes of the Committee of the Privy Council, should construe them in a different sense from that in which they were intended. Many of my constituents feel a deep interest in the question; and I trust that, as the published plan is to be abandoned, the Noble Lord will speedily enable the House to judge of that which is intended to be brought forward as a substitute.

Mr. WYSE.—Sir, I, for one, must protest against the withdrawing of the published plan. I object, and have always objected, to the appropriation of the public money to any particular society. I have protested, on all occasions, against every arrangement by which such societies were to be understood as standing in the place of the nation. I trust the Noble Lord will consider, in any measure he may bring forward, that he is standing as the representative of the Government at large in this matter; and whether, by giving money to these societies, he will not, in fact, be giving a *bonus* to maintain political and religious ascendancy? I hope the Noble Lord will consider that, by his proceeding on the principle he has now stated, he will be excluding a large part of the community, and more especially the lower classes of the Roman Catholic persuasion, from the benefit of education. I hope, then, that the Noble Lord will yet recur to his former plan, from which he has been driven by the mistaken clamour that has been raised against it. I know that many petitions have been presented against that plan, and I know, also, the unfair means that have been used to get up those petitions. I have, at this moment, in my possession, a petition in favour of the Government scheme, in which it is stated that the signature of the petitioner was extorted to a petition against the measure, as he was coming out of a church, by leading him to believe that he was petitioning in its favour.

[Cries of "Hear, hear!" and laughter from the Opposition benches.]

I do not believe that the real sense of the people of England has been ascertained on these matters, or that, if appealed to, it would be found to be really hostile to a scheme of national education on liberal principles. I, myself, have presented petitions signed by 80,000 persons of the North of England in favour of the Government measure, a year ago, and I see no reason to induce me to believe that these persons have since changed their minds on the subject. I regret that the Noble Lord has not given more time to enable the public mind to be rightly informed as to the principle of the Government scheme; and still further, that the Noble Lord did not, last year, when the public attention was directed to the subject, take such steps as would have enabled the Government to bring their scheme forward supported by resolutions of this House. As to any obstacles that may be thrown in the way of a system of national education, based on free and comprehensive principles, I say, fearlessly, that it is not in the power of Honourable Members opposite to stop its progress. It is not a question whether the system of education to be given to the people shall be ruled by Catholics, by Wesleyan Methodists, or by any other sect. But it is a question whether there shall be "knowledge" in the country; whether the people shall be

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educated, or not; and I am sorry to say that I believe there are many persons who, under the cloak of religion, are desirous to stop the advance of instruction altogether. I have no objection to the establishment of separate schools, so that the children of different religious persuasions may be instructed separately; but what I do aim at is, that, together with religious instruction, which I, in common with others, desire to see imparted, —that sound intellectual and moral education should be extended to the children of every religious persuasion, which all have an equal right to expect. I am gratified, however, at one result that has followed the agitation upon this question. I am glad to find that it has occasioned what is termed an "awakening" of the Church of England; that that church, which has remained so long "speechless," has at length roused herself from her lethargy. I do not charge the Church of England with negligence on the subject of education, upon my own authority alone. I do so upon the statement of reverend and learned doctors, who admit that the church has not taken sufficient charge of the instruction of the people. High authorities in that church have stated that they would not attend even once a week to the religious instruction of their people, if it were not specially enjoined as a part of their duty. A Roman Catholic priest might, with some propriety, perhaps, have said something of that sort; but the ground of the Reformation, the great principle inculcated by Luther, was that it was a duty which all ought to discharge — the teaching of the poor and lowly. How the church has neglected that duty, the history of this country fully demonstrates. But it has at length awakened. I am glad of it; I rejoice at it: I am more glad, perhaps, at that awakening, than some members of the Church of England themselves. I augur much good from that increased activity. I believe it will be productive of much good. If the people of this country were sufficiently instructed, we should not have to witness such deplorable scenes as those which have taken place lately in Kent and elsewhere, and which exhibit in a strong light the evil effects of a church slumbering in its duty of attending to the general education of the people. I do not wish to carry the discussion further at present. But I must again enter my protest against granting the public money to any of the national schools, whether to the British and Foreign, or to the National, to the exclusion of others. I am anxious that all schools and classes should have the benefit of the public money, without distinction of sect or creed.

AN HONOURABLE MEMBER. — I think the Noble Lord opposite (Lord John Russell) must now be aware of the great inconvenience of taking a discussion upon a question like this on a motion for a call of the House. The House is now informed that the original plan is to be given up and a new one substituted. I hope the Noble Lord will make a full statement of what the exact nature of this new scheme is, before we are called upon to decide upon it; for much of the misrepresentation with which we have been charged with regard to the plan now abandoned is to be attributed to our not having had an explicit statement before, of what the Noble Lord's intentions really were. I think, also, that however much the Noble Lord may have to complain of our misunderstanding and misrepresentation on our parts, we have, at least, an equal right to complain that, on all occasions when this question of education is mooted in the House, whether directly or indirectly, we are charged by Honourable Members opposite with entertaining feelings of hostility towards all schools except those of the established church, and with a wish to prevent the children of other religious persuasions from receiving instruction. I hope, whenever the discussion upon the question shall take place, that the Noble Lord will endeavour to show that the misrepresentations of which he has complained have been made, not by this or that newspaper, but by persons who have taken part in these discussions, and also that the plan has actually been misrepresented. I trust, also, that he will be prepared to justify the accusation which he has made of dilatory neglect on the part of the church, in order that the friends of the church may have an opportunity of replying to the charge.

LORD ASHLEY. — I will not detain the House more than a few moments; but I wish to take this opportunity of saying one word. When the Noble Lord gave notice that he would second my motion, I think it would have been more courteous to the House if he had stated that he would take that opportunity of withdrawing his former plan, and had entered then into a statement of what he calls the misrepresentations which have been urged against the Government measure. I think, too, that it is but fair that he should give us a full opportunity of discussing this question, and of examining the documents

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which he has laid on the table of the House. When, however, the Noble Lord the Secretary for Ireland uses such terms as he has thought fit to use, throwing into the discussion so much of gall and bitterness which was not there before——

[Cries of "Oh! oh!" from the Ministerial benches.]

—I can only say that I hope, whenever the discussion on the question is brought forward, the Noble Lord will be prepared to tell us whom and what he means when he applies the terms "offensive and mendacious."

[Cries of "Hear, hear!" from the Opposition benches.]

LORD VISCOUNT MORPETH.—I may state, at once, that I mean to apply those terms to three fourths of the statements which have appeared in every paper opposed to the plan of the Government.

The question was then again put, "That the House be called over on Friday, the 14th day of June."

Mr. FRENCH.—Does the Noble Lord intend to press the call of the House, after the circumstances which have transpired?

LORD ASHLEY.—I do.

[Cries of "Divide, divide!"]

Strangers were then ordered to withdraw, but no division took place.

LORD JOHN RUSSELL.—I hope the Noble Lord will not now divide upon this question. It is my intention, in the course of a few days, to lay upon the table of the House certain papers relating to the subject of education, and explanatory of the vote which I mean to propose. When those documents shall have been produced, it will be for the Noble Lord to say whether he considers it necessary to renew his motion for the call of the House. If, however, the Noble Lord insists on going to a division now, I shall certainly consider myself bound to vote with him.

[Loud cries of "Divide, divide!"]

LORD ASHLEY.—Certainly nothing can be fairer than the proposition of the Noble Lord. I understand him to say that he will lay on the table of the House certain papers relating to the general subject, and explanatory of the vote he intends to propose, and that then the House will have an opportunity of forming a judgment. But with respect to the division now called for on my motion, the House must surely see that Honourable Gentlemen who generally act with me have left the House, on the understanding that no division would take place after the Noble Lord the Secretary of State had undertaken to second the motion.

[Cries of "Divide, divide!"]

If the House divide, Honourable Gentlemen opposite will gain what they may consider a victory; but it will not be a victory which will redound to their credit.

Mr. FRENCH.—Considering that the original proposition is to be withdrawn, I think it is too much for the Noble Lord (Ashley) to call upon this side of the House to support his motion, which, as far as my experience extends, has always been found to be practically useless.

SIR S. LUSHINGTON.—Nothing in the world would induce me to vote against the Noble Lord's motion. If I did so, I should conceive that I were guilty of practising a deception upon the House of Commons; because no one who heard my Noble Friend (Lord John Russell), the other night, could entertain a doubt that he assented to the proposition for the call of the House. The only question, then, is, whether, under the circumstances, the Noble Lord (Ashley) will deem it expedient to persevere in his motion.

Mr. SHEIL.—I think that the observation just made by the Right Honourable and Learned Member for the Tower Hamlets is quite conclusive of the question. There can be no doubt of the Noble Lord's right, if he think proper to press it, of insisting upon his motion for the call of the House; but I would respectfully submit to the Noble Lord, as an intimation has been given to him by the Noble Lord the Home Secretary, that the plan originally proposed is to be changed, whether he would not consult the convenience of Honourable Members by not insisting upon the call of the House? The whole matter rests entirely with the Noble Lord himself. If he insist on going to a division, I shall certainly consider myself bound to vote with him.

LORD ASHLEY.—I should be extremely sorry to do anything that was in the least degree annoying to the House, or that for a moment could be regarded as

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discourteous; but I have no means of knowing that the call of the House will not be as necessary as applied to the new plan, as it was to the old one. The Noble Lord (Lord J. Russell), however, has promised that the new plan shall be laid upon the table to-morrow. Under such circumstances, I can only say, that as soon as I have seen it, and have had the opportunity of consulting my friends with respect to it,—if it should appear not to require a strict attendance of Members when it comes to be discussed,—I will immediately move that the order for the call of the House be rescinded.

The motion was then again put, and agreed to.

POOR LAW AMENDMENT ACT.

GENERAL JOHNSON.—Sir, I move, according to my notice, that the following Returns be laid before this House:—

Returns "of all workhouses and buildings erected, or purchased, or hired, and converted into union workhouses, under the Poor Law Amendment Act, with the costs of erecting, purchasing, hiring, and converting the same into workhouses, and of the several principal sums borrowed for those purposes, and from whom, and at what rate of interest, and of all sums of money now due for principal and interest upon such principal sums respectively, and of the expenses attending the borrowing thereof:"

"Of the amount of all sums annually levied under the denomination of poor-rate; and, also, the amount of the sums paid for the actual relief and maintenance of the poor in each union, including and distinguishing in and out of door relief:"

"Of the amount of salaries, and the law expenses, and incidental charges in each union:"

"Of the salaries, expenses, and other charges for commissioners, with name of each assistant commissioner and officers belonging to the establishment at Somerset House, and the travelling expenses incurred by each of them; such and each of these Returns to commence from the passing of the Act, up to the 1st day of January last, distinguishing each year:"

"Of the number and names of the unions to which no order has been sent for withholding out of door relief to the able-bodied poor; stating the date of the formation, and the population of such unions, from the passing of the Act up to the 1st day of January last."

I think it right that these papers should be produced, in order that we may be enabled to contrast the expense incurred under the existing system with that which was incurred under the old poor law. I admit there is an apparent saving; but I am given to understand, that on investigation that saving will be found to be wholly fallacious, inasmuch as many of the expenses formerly charged upon the rate are now defrayed from another source,—besides which, the comforts of the poor have been greatly diminished. Many Honourable Gentlemen may be surprised when they are told that, in my own neighbourhood, where, during the last autumn, fevers raged to a very great extent, which occasioned a large consumption of wine in the union workhouse, the surgeon was asked, by the assistant commissioner, whether it was not possible to put some nauseous ingredient into the wine to make it unpalatable to the paupers, and thereby to diminish the consumption of that article, stating, at the same time, that the plan had been adopted in other unions with considerable success.

Mr. T. DUNCOMBE. — I beg to second the motion.

The motion for the first Return was then put, and agreed to.

Upon the motion for the production of the second Return being put from the chair,—

Mr. F. MAULE said:—I do not object to the production of these Returns; but the second of them is of so intricate a nature that my Honourable and Gallant Friend must not be surprised if they are not made as quickly as he requires. I suppose that my Honourable and Gallant Friend would not object to my including in this second Return certain papers, calculated to explain the conduct of the Poor Law Commissioners respecting it.

Mr. T. DUNCOMBE. — I think there can be no objection to my Honourable Friend adding any papers he pleases to these Returns; but I hope that he will not think of curtailing those now moved for. I think, also, that the House ought to be informed who the Poor Law Commissioner was who advised the workhouse-keeper to put some nauseous ingredient into the wine administered to the sick poor. I should like to know where that union workhouse is situate, and what is the name of the Poor Law Commissioner who has committed so atrocious an outrage upon humanity.

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The motion was then agreed to.

On the third Return being put from the chair, —

Mr. F. MAULE said: — I am sorry that my Honourable and Gallant Friend should have given publicity to such a statement as he has just made, without stating the authority on which it rests. I am quite sure that no Poor Law Commissioner could have been guilty of such conduct as my Honourable and Gallant Friend has described.

GENERAL JOHNSON. — I believe the statement which I have just made to be true. I have no objection, if the House wish it, to name both the union and the Poor Law Commissioner.

[Cries of "Name, name!"]

The union is, the union of Bourne, in Lincolnshire. If her Majesty's Ministers choose to call the Poor Law Commissioner to the bar, and to hear evidence on the point, I will undertake to prove the case against him.

[Cries of "Hear!" and, "Name, name!"]

An HONOURABLE MEMBER. — This, really, appears to be a case which ought to be investigated. I am convinced that it will turn out that the Honourable and Gallant Member has been misinformed.

[Renewed cries of "Name, name!"]

Mr. T. DUNCOMBE. — There is no further occasion to call for the name of the Poor Law Commissioner, as the commissioner is named by naming the union. It is impossible that a fact of such a description can remain unnoticed at a time when we are called upon to renew the Poor Law Amendment Act for another year. I know that it is almost high treason to say one word against that Act in this House; but when the proper time arrives, I will deliver my sentiments against it at length.

An HONOURABLE MEMBER. — I believe no Act has so completely succeeded within my recollection as the Poor Law Amendment Act.

Agreed to.

The other Returns were then severally put, and agreed to.

JOINT TENANTS VOTING (IRELAND).

On the motion of SIR R. FERGUSON, Bill to declare the right of joint tenants in cities, towns, and boroughs in Ireland to vote in the election of Members to serve in Parliament, ordered to be brought in by SIR ROBERT FERGUSON and Mr. SERJEANT CURRY.

CALEDONIAN CANAL COMMITTEE.

On the motion of Mr. R. STUART, Instruction to the committee, that they have power to inquire into the state of the Crinan Canal.

BOROUGH WATCH RATES BILL.

On the motion of Mr. BAINES, this Bill was read a second time, and committed for Wednesday, the 12th of June.

BOROUGH COURTS BILL.

Reported, with amendments; amendments agreed to; Bill to be read a third time to-morrow.

DESIGNS COPYRIGHT EXTENSION BILL.

On the motion of Mr. POULETT THOMSON, the Lords' amendments agreed to.

PAPERS.

Education. — On the motion of LORD JOHN RUSSELL, Address for —

Report of the Committee of Privy Council appointed to superintend the application of any sums voted by Parliament for the purpose of promoting public education, of 3d of June, 1839.

Jamaica. — On the motion of Mr. GODSON, Address for —

Copy of memorial addressed to Lord Melbourne, through the Marquess of Normanby, on the 20th of May last, by planters, merchants, and others interested in Jamaica.

Printed Papers. — Return (presented 3d of June) referred to the Select Committee on Printed Papers.

LEAVE OF ABSENCE.

To Mr. WILSON JONES, one month.

Adjourned at eleven o'clock.

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HOUSE OF COMMONS, MERCURII, 5° DIE JUNII, 1839.

COMMITTEES.

All committees to sit this day till five of the clock, during the sitting of the House.

PRIVATE BUSINESS.

The following petitions were severally presented; namely, —

Kingston upon Hull Dock,—Of Charles Frost, for dispensing with the Standing Order requiring ten clear days between the day on which the petition for any Private Bill should be presented and the day on which the sub-committee shall sit thereupon. — To lie on the table, and to be printed.

Southwark Court of Requests,—Of the chairman of the vestry of St. George the Martyr, Southwark, for reduction of fees.

Alexander Wall,—Of Alexander Wall, complaining of the stoppage of his pension as a discharged soldier.

Manchester and Birmingham Extension (Stone and Rugby) Railway Bill, — From Bolton-le-Moors, in favour.

Sewers, — For alteration of law relating thereto,—from Mrs. Grace Weightman; Willesden; and St. Olave and St. John, Horsleydown.

To lie on the table.

Railways, — Of the chairman of the committee of management of the Arbroath and Forfar Railway Company, for imposing the tax on railway passengers in the form of a fixed per centage. — Referred to the Select Committee on Railways.

Birmingham Canal Bill, — Of William Oakes Hunt, in favour of the application for additional provision. — Referred to the Select Committee on Petitions for Private Bills.

Sidmouth Improvement and Market Bill,—Against,—from Christopher Flood. — Referred to the committee on the Bill.

Also, from trustees of the road from Gittisham to Sidmouth.— Referred to the committee on the Bill; counsel ordered.

Turnpike Tolls. — Petitions complaining of the exemption from toll of coaches carrying mail bags,—of trustees, &c. of the Cullompton road; trustees of the Barnstaple roads. — Referred to the Select Committee on Turnpike Trusts.

Caledonian Canal.—Petitions for completion, — from the Isle of Skye; and Ross (preses of a meeting). — Referred to the Select Committee on the Caledonian Canal.

Comberton (Cambridge) Bill; Basingstoke Roads Bill; South Eastern Railway Bill; Clun (Salop) Inclosure Bill. — Lords' amendments agreed to.

Fraserburgh Harbour Bill. — Report further considered (prints having been delivered upon Saturday, the 1st of June); amendments agreed to; Bill to be ingrossed.

Aberdeen Market and Improvement (No. 1.) Bill: Edenfield and Little Bolton Road Bill; Hatfield (York) Small Debts Bill. — Read a third time, and passed.

Small Debts Bills. — Time enlarged for committees to report till Monday, the 24th of June.

Halifax, Huddersfield, and Bradford Small Debts Bill. — Read a third time; amendments made; Bill passed.

Mills's Estate Bill. — Committee on Bill revived; leave to sit and proceed tomorrow.

West Croft (Nottingham) Inclosure and Canal Bill.—Report, That the committee had divided the Bill into two Bills.

West Croft (Nottingham) Inclosure Bill. — Reported; to be ingrossed.

West Croft (Nottingham) Canal Bill. — Reported; Report to lie on the table.

Nottingham Common Fields Inclosure Bill; Norwich Tonnage (recommitted) Bill. — Reported; to be ingrossed.

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London Corporation Estate Bill. — Read a second time, and committed to Sir Matthew Wood and the Middlesex list.

Bethlem Hospital Estate Bill. — Read a first time; to be read a second time.

MISCELLANEOUS PETITIONS.

The following petitions were severally presented, and ordered to lie on the table; namely, —

Education,—By Mr. Welby, Mr. Cobbinton, Mr. Grimsley, Lord Villiers, Sir C. Vere, Mr. W. Feilden, Sir G. Clerk, Lord Eliot, Mr. W. Duncombe, Mr. Bagge, Mr. H. Johnstone, Mr. Halford, Mr. Grantham, Mr. F. Grant, Lord Hotham, Mr. Lister, Sir C. Dalrymple, Mr. C. Lushington, Sir T. D. Acland, Sir C. Burrell, Lord Ingestre, Captain Alsager, Mr. Hawkes, Lord Ashley, Mr. Litton, Mr. Gaskell, Captain Wood, Mr. Wilmot, Mr. Packe, Mr. Miles, Mr. Lascelles, Mr. Goulburn, Mr. Pusey, Sir J. Y. Buller, Captain Gordon, Lord Alford, Lord Stormont, Mr. G. Knight, Mr. Bethell, Sir R. Inglis, Colonel Sibthorp, Colonel Wood, and other Honourable Members, "against the proposed scheme of national education recently laid before Parliament, as approved by the Committee of Privy Council,"—from Tywardreath; Mevagissey; Fowey (two petitions); Govian; St. Austell; Sticker; Polgooth; St. Blazey; Charlestown; St. Stephen's; Saltash; Callington; St. Columb and Queen's; St. Blazey Bridge; Bodmin; Roche; deanery of Trigg Major; Weymouth and Melcombe Regis; Yoxford; Hemingstone and Gosbeck; Framlingham (two petitions); Blundeston; Saxtead; Lound and Ashby; Oulton; Lowestoft; Middleton with Fordby; Parham; Hasketon; Tunstall; Sternfield and Belton; Rushby, Barmby, and Mutford; Barham; Bruisyard; Boyton; Sproughton; Chillesford; Stratford Saint Andrew; Somerleyton; Fritton; Rendham; Earlsoham; Copdock and Washbrook; Tottingstone; Benthall; Holbrook; Rushmere St. Andrew and Playford; Kessingland; Pakefield and Kirkly; Westleton; Blyford, Thorington, and Wenhaston; Kelvedon Hatch; Stanford Rivers; Blackburn (two petitions); Prestbury; Rainow; Mobberley and Hough; Macclesfield (three petitions); Bicester; Deddington; Bilton; Skelton (two petitions); Upper Poppleton; Askham Richard; York city (five petitions); Cricklade (two petitions); Rockbourne; North and South Tidworth; Weyhill; Booth; Burton Coggles; Caythorpe cum Frieston; Carlton Scroop; Boothby Pagnell; Somerby; Haydor cum Kelby; Hougham; Marston; Ropsley; Welby; Denton; Hough, &c.; North and South Stoke, and Easton; Nareston; Stroxton; Leadenham; Great Gonerby; Fordingbridge; Lydiard Millicent; Chippenham; Belton; deanery of Cricklade; Great Ponton; Great Gonerby; Colsterworth; Broughton; Bossington; Wilmslow; Houghton; Towcester; Driffield and Hainhill; Stroud; Bourton on the Hill; Weymouth; Portland (two petitions); Moreton Valence; Buckingham; Brackley (two petitions), Croughton; Radstone; Evenley; Moreton Pinckney; Edgcott; Hinton in the Hedges; Whitfield; Marston St. Lawrence; Middleton Cheney; Ikenford; Chalcombe; Easton; St. Martin's, Stamford Baron; Stamford (four petitions); Tadcaster; Prestbury; Bishopthorpe; Acomb; Leicester; Gumley; Knighton; Cosby; Scraptoft; Stoney Stanton; East Langton; Willoughby Waterless; Ashby Magna; Peatling Magna; Langton; Congerstone; Bilston; Orton on the Hill; Lubbenham; Kibworth; Beauchamp; Aylestone; Thurnby cum Stoughton; Wistow, &c.; Hoby cum Rotherby; Twycross; Birkin; Tur; Langton; Thorpe Langton; Quarley; Sapcote; Narborough; Halifax; Bishop's Caudle; Wolstanton; Hill Chorlton; Newcastle under Lyme (two petitions); Audley; Stoke upon Trent; Welton; Trusthorpe; New Bolingbroke; Frith Ville; Benefield; Finedon; Thorpe Malsor; Orlinbury; Little Harrowden; Clipston; Harringworth; Thurning; Barton Seagrave; Yarwell; Oundle; Ashton; Southwick; King's Cliffe; Nassington; Fotheringhay; Isham; Walgrave; Pytchley; Raunds; Desborough; Geddington and Newton; Cranford St. Andrew and Cranford St. John; Broughton and Cransley; Hannington; Warmington; Easton Maudit; Polebrook; Apethorpe; Woodnewton; Eye; Cotterstock; Tansor; Warkton; Marston Trussel; Irthlingborough; Rothwell; Newport Pagnell; Leegrave; Leighton Buzzard; Hockliffe; Tebworth; Toddington; Houghton Regis; Dunstable; Harpenden; Luton; Eaton Bray; Stopham; Ewell; Wadhurst; Ticehurst; Skipton; Smethwick; Bradley; Gornal; West Bromwich; Walsall; Bloomfield; Rowley Regis; Darlaston; Great Bridge and Gospel Oak; Pelsall and Bloxwich; Willenhall; Wednesbury and Hocker Hill; Berkswich; Sherborne; Dudley (two petitions); Madeley, &c.;

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Petworth and Duncton; Boxford; Smithdon; North Lyme, &c.; New Buckenham (two petitions); West Wynch; West Lynn, St. Peter's; Pentney; Congham; Castle Rising; Great Massingham; South Wotton; Walpole St. Andrew's; Holme and St. Runcton; Wolferton; Gayton; Watlington; West Bilney; Grimstone; Wymondham; Pulham; Great Ellingham, &c.; Long Stratton; Attleburgh; St. Andrew, Holborn; Holt; Leonard Stanley; Dewsbury; Lasborough; Thurnscoe; Kilburn; Bolton on Dearne; Tholthorpe; Thornton; Easingwold; Middlesborough; Redcar; St. Ann's, Lydgate; Sutton on the Forest; Huby; Husthwaite; Hutton Bushel; Raskelf; Bedale; Coxwold; Yarm; archdeaconry of Cleveland; Stokesley Circuit; West Burton; Leyburn; Brafferton; Mexbrough; Croft; Barmbrough; Walton and Fazakerley; Haworth; Mappowder; London and Westminster; Shipley and Baildon; Bingley; Almondbury; Randwick; Shipley; Teynham; Windhill; Toller Porcorum; Haselbury; Oddington; Holwell; Puddletown, Puddlehinton, and Affpuddle; Tolpuddle; Monkton and Langton; Piddle Trenthide; deanery of Whitechurch; Loders and Bradpole; Sydling St. Nicholas; Hillfield; Portisham; Chideock; Bradford Abbas; Bettiscombe; Halton Pancrass; Mapperton and Hook; Glanvilles Wootton; Shepton Gorge and Boltenhampton; Nether Compton and Over Compton; Powerstock; Ryme Intrinsica, and Hermitage; Symondsbury; Chalbury; Langton Herring; West and Stafford; Pilsaon; Rawmarsh; Warmfield; Wakefield; Harden; Wilsden; Cullingworth; Rothwell; Denholme; Horbury; Burgley; Eldwick; archdeaconry of York; Thornton; Weston super Mare; Lowestoft; Dawley, Dawley Green, &c.; Haworth; Oakworth; Bath; Keighley; Liverpool; Aberdeen; Warrington; West Drayton; Sunbury; Portarlington; Sudbury; Assington; Old and New Alresford; Avington; Barton Stacey; St. Lawrence, Hants; St. Michael's, Hants; Bighton; Stuston; Redlingfeld; Stradbrooke; Bealings Magna; Aspall; Bedinfeld; Brome and Oakley; Braiseworth; Scole; Aldburgh; Wortham; Wickham Market; Bradwell and Burgh Castle; Tewkesbury; Wanlip; Sandford Ovens; Marston Magna; Ashington; Long Ashton; Backwell; Clutton; Retford; Glastonbury; Welford; Ebrington; Mickleton; Pebworth and Quinton; Dorington; Clifford Chambers; Skipton; South Muskham; Collingham; Granby cum Sutton; Coddington; Flintham; Bingham; Bridgeford; Sutton (Notts); deanery of Castle Carey; Yatton; Croscrombe; Dinder; Wincanton; Shepton Mallet; Queen Camel; Congresbury; Blagdon; Batheaston; Mylor; Perranwell; Charlbury, Finstock, and Fawler; East and West Chadlington, &c.; Frating cum Thorington; University of Cambridge; South Shields (two petitions); Bradfield and Stanford Dingley; Hungerford; Boxford; Shalbourn and Ham; Tilehurst; Lyford; Burghfield; Goosey; Stanford in the Vale; West Challow; Letcomb Bassett; West Hendred; Grove; East Hendred; Lockinge; Childrey; Denchworth; Sedgeley; Nantwich; Oldbury; Tipton (two petitions); Cheadle; Pesnett; Godmanchester; Huntingdon; Fenstanton; precinct of the Savoy, Middlesex; St. Mary Magdalen and St. Lawrence Jewry, London; Brecon; South Mimms; Carshalton; Woodside; Kingswinford; Wolverhampton; Winsford; Bisley; Blandford Forum; Portsmouth; Wandsworth; Godstone; Caterham; Mitcham; Chaldon; Darby Hand; Hardham, Coldwaltham and Greatham; North Chapel; Kirdford; Loddon; King's Lynn; Gresham; Gaywood; Stradsett; West Mitton; East Walton; North Wotton; Dumfries; Middleton; St. German's and St. Mary's (Norfolk); Torrington; Cromer; Otley; Rampisham; Enford; East and West Chelborough; Hexham; Stoke Edith; Brighthelmston; Overstraw and Sidesband; Preston next Faversham; Chilham; Tarrington; Higham on the Hill; Boindie; Barfreyston; St. Ives, Cornwall; Buckland St. Mary; Cossington; Hatch Beauchamp; Combe St. Nicholas; Trent; Mordon; West Bagborough; Ayr; West Kilbride; Bridgewater; Chard; Culmstock; Muchelney; Yeovil; Crewkerne; Dinnington; South Petherton; North Perrott; Kingsdon; Seavington St. Michael; Misterton; Hinton St. George, Axminster; Mosterton; Appleby Circuit; Egleton; Oakham; Shrewsbury; St. Edmund the King and Martyr, and St. Nicholas Acons, London; St. Mary Abbott's, Kensington; Lower Brixham; East Stonehouse; Christ Church, Surrey; South Collingham; Worcester; Fiskerton; Butterwick; Finningley; Wool; Coombe Keynes; East Lulworth; Rodborough; Great Ressington; Wimborne St. Giles; Cranborne and Ednonshan; Bedford; Pembroke and Pembroke Dock; Milford and Hakin; Tenby; St. Florence, Lamphey, &c.; Coppenhall; Gillingham (two petitions); Winterborne St. Martin; Stower Provost, and Todber; Chettle and Farnham; East and West Stower; Buckland Newton; Parkstone; Shapwick; Hammoon; Wit-

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champton; Cattistock; Maiden Newton; Compton Valence; Wynford Eagle; Chilfrome; West Compton; Punchnoll; Long Bredy, Little Bredy, and Kingston Russell; Little Cheney; Ripon (two petitions); Medley; Harlington; Wareham; Shrewsbury; Ipswich (seven petitions); St. Mary Stoke; Staveley; Burton Leonard; Swansea; Teignmouth; Brixham and Dartmouth; Whitehaven; Workington; Cockermouth; deanery of Okehampton; deanery of Plympton; Haverfordwest (two petitions); Ashburnham; King's Lynn; Perth; Campton cum Shefford; Clifton; Henlow; Biddenham; Ampthill; deaneries of Lewes and Pevensey; Colmere with Priors Dean; Crawley; Chilton Candover, Brown Candover, and Swarraton; Cheriton; Blendworth; Hursley and Otterbourn; Burghclere; Pevensey; Goring and Ferring; Datchworth; Great Missenden; Llanrwst, Abergele, &c.; Dacre; Aldbrough; Boroughbridge; Bishop Thornton; Bishop Monkton; dean and chapter of Ripon; Welsh St. Donatt's; Bonvilstone; Landough with Cogan and Leckwith; Landaff and Whitchurch; Milborne Port; deanery of Dyffryn Clwyd; Atherstone; Elmdon; Bickenhill; Hampton in Arden; Harborough Magna; Clifton on Dunsmore; Bidford; Scalby; East Hesterton; West Hesterton; Westoning; Bridlington (two petitions); archdeaconry of the East Riding of York (two petitions): Thwing; Everton; Worksop; Eatering; Ollerton; Edwinstowe; Cuckney; Walesby; Carlton; Paston; Brotherton; North Collingham; Hanley; Bawtry; Aylesbury; Pocklington; Great Driffield; Cury; Gunwalloe; Birdsall; Wharram-le-Street; North Grimston; Lettrington; Flamborough; Cradley; Mawgan; Meneage; Ridge; Watton; and Penkridge, &c. — To lie on the table.

By Mr. HAWES and Mr. WARBURTON, in favour of the proposed scheme, — from St. Mary Newington; and Dorchester.

Postage, — By Mr. PRYME, Mr. W. WILLIAMS, Mr. F. FRENCH, Mr. PRINGLE, Mr. D. MORRIS, Mr. MARSDEN, SIR G. CLERK, Mr. S. PARKER, Mr. WODEHOUSE, Mr. HARVEY, Mr. PLUMPTRE, LORD A. CONYNGHAM, Mr. WALLACE, Mr. BARNARD, Mr. WILMOT, LORD G. BENTINCK, Mr. HAWES, Mr. F. KELLY, Mr. HUME, and other Honourable Members, for a low and uniform rate, — from Llanbrynmair, Cemmes, and Darowen; Oldbury; Tewkesbury (two petitions); Lauder; Penicuick; Rugby; Yoxford; Framlingham; Carlow; Ringwood; Westport; Kilglass; Pontypool; Boyle; Edderton; Kirriemuir; Dorchester; Boston; Dalmarnock; Bridgeton; Sandhurst; Wareham; Swanage; Littlehampton; Weymouth; Cambridge; Whitehaven; Haverfordwest; Chipping Norton; Narberth; Exeter; Highwick; Chagford; Exminster; Southtawton; Stony Stratford; Sudbury; Hampstead; Goole; Benjamin Smith and others; Weston super Mare; Newbury; Thomas Church; Bradford, York (five petitions); South Erpingham; Newcastle upon Tyne; Stranraer; East Linton; Stornoway; Cricklade; Cambridge; Laugharne; Grantham; Joseph Barnard Davis, and others; Stratford (Essex); Forfar; Alloa; proprietor and workmen, bookbinders, at 13. Leicester Street, Regent Street: Shelf; Golden Square; Metropolis (six petitions): proprietors, compositors, pressmen, &c. of the printing office, 18. Bury Street, Bloomsbury; 50. Bunhill Row; *Spectator* newspaper: proprietors and workmen in printing establishment, Whitechapel; carpet warehouse, 9. Great Marlborough Street; tailors, 20. Poland Street; pianoforte manufactory, Store Street, Bedford Square; Erard's harp manufactory, 18. Great Marlborough Street; glass and chandelier establishment, 72. New Bond Street; coal merchants at Pimlico; wholesale druggists, proprietors, workmen, &c. 135. Lower Thames Street; Anthony Batty's coffee shop, 6. Richmond Street, St. James's; William Bone, bookbinder, 3. Broadway, Ludgate Hill; Commercial Road East; Camberwell New Road; Brompton; Paisley; Atherstone union; Dundee; Forfar (two petitions); Montrose; Arwarton; Glasgow (five petitions); Aspatria; Longtown; St. Marylebone; Bethnal Green; Raydon; Kingsbridge; King's Lynn; Kilspindie; Battel; Fraserburgh; Tavistock; Wilkington; Wilden; Colmworth; Knotting; Elston; Yielden; Clapham (Bedford); Stutton; Melchbourn; Kempston; Bromham; Bolnhurst; Biddenham; Chellington; Cardington; Bletsoe; Carlton; Harrold; Keysoe; Odell; Pavingham; Bisely; Souldrop; Sharnbrook; Stagsden; Turvey; Wooton; Wilshamstead; Stafford; Sudbury; Kincardine; Fordoun; Bethnal Green and Spitalfields (two petitions); D. Sullivan and others; Kensington; establishment of Bayly and Son, sailmakers, Fountain Stairs, Bermondsey; Crisp and Co., shipowners, Bermondsey; Mayhew and White, hat manufacturers, Union Street, Borough; Joseph Cheshire, 39. Gravel Lane, Southwark; St. Olave (Surrey); Donington

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Wandsworth Road; Stingo Lane, Marylebone; Tenterden; Shrewsbury; Holbrook; Auchinblae; Belton; Burgh Castle; Chelmondiston; Dunfermline; Market Harborough; W. S. Philips, and others, wharfingers, &c., Southwark: persons employed in the establishment of T. B. White and Son, Millbank Street, Westminster; John F. Pawson and Co., St. Paul's Church Yard; Harvey, Kingston, and Co., Lambeth House, Lambeth; Thomas Gabriel and Sons, Commercial Road, Lambeth; James and Richard Nash, Fore Street, Lambeth; W. S. and John Dalton, Millbank Street, Westminster; T. H. Cooper, Millbank Street, Westminster; Edmund Lucas, 18. Millbank Street; W. and J. Freeman, 27. Millbank Street; Thorne, Son, and Thorne, Earl Street, Horseferry Road; at the Gas Light and Coke Company, Horseferry Road; Hitchcock and Rogers, St. Paul's Church Yard; Charles Meeking, 62. Holborn Hill; Hall and Allen, St. Paul's Church Yard; Edward Boyle, 43. Farringdon Street, &c.; R. Welby, 15. Ludgate Street; Everington and Graham, 10. Ludgate Street; Bailey and Milner, 77. St. Paul's Church Yard; John Harvey, Son, and Co., 15. Ludgate Hill; Whittaker and Co., Ave Maria Lane; Sherwood, Gilbert, and Piper, Paternoster Row: Paisley (two petitions); Litton Cheyney; Whatlington; Hungerford; Belper; Congleton; Bolton; Huddersfield, &c.; Mitcham; Daventry; Pitton and Farley; Egham; Mildenhall; Preston; Pulham St. Mary (two petitions); Banham; Norwich; North Walsham; Diss (three petitions); Shelf (two petitions); Beccles; Yarmouth; Cromer; Ormesby; Long Wittenham; Clifton Hampden; Sutton Courtney; persons employed on the *Railway Times* newspaper; Alfred Rosling, Bankside, Southwark; Thomas Irwin and Co., Bridge Road, Southwark; James Bickerton and Son, 51. Castle Street, Southwark: Canterbury; Cawdor; Maybole; Coate; Kirkcowan; Exeter (two petitions); Woodbury; Cheriton Bishop; Ashcombe; Stoke Canon; North Cawton; Drewsteignton; Teigngrace; Powderham; Ide; Newton St. Cyrus; Payhembury; Kenton; Cullompton; Peebles; North Tawton; Denny and Dunnipace; Dawlish; Greenwich (two petitions); Sidbury; North Bovey; Ashton; Mamhead; Rew; St. Leonard; Jersey (five petitions); and Southampton (deanery).

Lord's Day, — By Mr. H. JOHNSTONE, Mr. PLUMPTRE, and SIR R. INGLIS, for securing the due observance thereof, — from Hanley and Shelton; General Assembly of the Church of Scotland; Market Harborough; Inverness; Wombourn; Gornall; Wednesbury; Edderton; Southampton; Brierley Hill; West Bromwich; Henlow; and Darlaston.

Merchant Seamen's Act, — By Mr. CHALMERS, from Montrose, — for alteration.

Dogs, — For suppressing the practice of employing dogs in drawing carts, — from West Bourne; and Gosport and Alverstoke.

Church Establishment (Canada, &c.), — By LORD VISCOUNT INGESTRE, Mr. WODEHOUSE, Mr. PAKINGTON, and other Honourable Members, for extension, — from Exeter; Llanfwrog; Llanrhydd; Ruthin; Llanelidan, Storrington; Barcomb; Bealings; Boston (York); Banwell, &c.; Halsted; Steyning, &c.; Great Yarmouth; Ormesby; Milverton; Badgeworth and Shurdington; Nailsworth; Minchinhampton; and Lowestoft, &c.

Maynooth College, — By Mr. CROMPTON, Mr. PRINGLE, LORD ELIOT, LORD VISCOUNT COLE, and Mr. LITTON, against further grant, — from Bradford (York); Bawtry; West Hoathly; North Bierley; Attanna; Charmouth; Almondbury; Wike; Dublin; General Assembly of the Church of Scotland; Carlow; Merse and Teviotdale (moderator of the synod); and Lostwithiel.

Church of Scotland, — By CAPTAIN GORDON, Mr. DARBY, LORD STORMONT, GENERAL ABBUTHNOT, and SIR G. CLERK, for extension, — from Keanlochbervie; Forglen; Edinburgh; Buckie; Arbroath; Saint Cyrus; Ellon presbytery (moderator and clerk); Turriff presbytery (moderator); Half Morton; Keir; Farr; Golspie; Assynt; Loth; Dornoch; Rosehall; Ardersier; Ardclach; Portknockie and Baade; Cullen; Ord; Kirkhill; Kilmanivaig; Ardrossan; Loudoun; and Edderton.

Against further endowment, — from Dalmellington; and Lennoxtown.

Church Discipline, — By LORD ELIOT, against the proposed measure, — from deanery of East Powder; deanery of Pyder; and Stratton.

Church of England, — By Mr. R. PARKER, and other Honourable Members, for extension, — from Waterfall; Caldon; and Preston (Lancaster).

Poor Law Amendment Act, — By Mr

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Gowson, and Sir T. D. Acland, for alteration, — from Ruthin union (chairman); the Reverend William M. Smith Marriott, and others; Axbridge union; Kidderminster; Hemyock; Clayhidon; Wiveliscombe; and West Ward union.

Brazilian Coffee and Sugar, — By Mr. H. Hinde, — of the chairman of the Chamber of Commerce of Newcastle-upon-Tyne, for revision of duties.

Prisons (Scotland) Bill, — For alteration, — from Glasgow (chairman of a meeting); and Dunfermline.

From Stranraer, in favour.

Newfoundland, — By Mr. Wallace, — from Greenock, praying the House to take into consideration the present state of the Island of Newfoundland.

Factories Bill, — Against, — from Blairgowrie and Rattray; and Manchester and Salford (chairman of a meeting).

Municipal Corporations (Ireland) Bill, — By Mr. Litton, against, — from tailors, or guild of Saint John Baptist, Dublin; Ballyroan; and Attanna.

Army, — By Mr. Litton, for enabling Presbyterian soldiers to participate in the services of their church, — from Coleraine and Route presbyteries (moderator); Aghadowey; Castledawson; Dunboe; and Coleraine.

Dublin Cemeteries, — By Mr. Litton, — from Dublin, for applying the surplus funds of Richmond and Prospect Cemeteries for the benefit of the poor of the city of Dublin.

Sale of Beer Bill, — Against, — from Wigan; and Liverpool.

From Cranbrook, for repeal.

Copyholds Enfranchisement Bill, — Against, — from Sackville Walter Lane Fox, Esquire; and Dixon Robinson, Esquire.

Foreign Apples, &c. — From Knockholt and Halstead, for increase of duty.

Right of Petition, — By Lord Viscount Mahon, — of inhabitants of St. Mary and St. John, Bedford, complaining of a petition directed to the House, against the proposed scheme of education, being destroyed by Mr. John Hyde, receiving inspector of taxes in that county, and praying for relief. — To be printed.

Queen's Printer's Patent, Scotland, — Of the moderator of the Relief Synod in Glasgow, for placing the printing of the Bible upon the same footing as the printing of other works.

Of the senate of the University of Glasgow, for confining the printing of the Bible to public and responsible institutions.

Church Rates, — By Mr. Hawes, for abolition, — from Houghton Regis; Markyate Street; and Dunstable.

Corn Laws, — By Mr. Hume, for repeal, — from Dalmellington; and Auchterarder.

By Mr. H. Johnstone, against repeal, — from Belturbet and Bailiebrough; Troqueer; and Inverness.

Reform of Parliament (England) Act, — By Mr. Hume, — of William Blaxland, for amendment.

District Prisons Bill, — From Liverpool, against.

County Courts and District Sessions Bill, — By Mr. Miles, — of the chairman of the quarter sessions of Somerset, against.

Southern Africa, — of merchants and others interested in the prosperity and colonisation of Southern Africa, for the establishment and regulation of a colony at Natal.

Heritable Securities (Scotland) Bill, — In favour, — from Dumbarton; and Glasgow.

Rating of Tenements Bill, — By Mr. Brownrigg, — from Boston, against.

Licensed Victuallers, — By Mr. R. Palmer, — from Berks, Bucks, &c., for alteration of law affecting their trade.

Copyright Bill, — Of compositors, pressmen, and others, in the employment of Messrs. Bradbury and Evans, against.

Ecclesiastical Duties and Revenues Bill, — By Sir R. Inglis, against, — from Colebrook; and deaneries of Grantham, &c.

Church Establishment (Wales), — By Sir S. Glynne, and other Honourable Members, for appropriating the profits of sinecure rectories in Wales to the benefit of the diocese in which such revenues arise, — from Llanynys; Denbigh (three

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petitions); deanery of Dyffryn Clywd; and Llanrwst.

Also, the following, which were referred to the select committees on the Bills:—

County Courts Bill, — Against, — from Barnsley; Southwark; and East Hundred of Brixton.

In favour, — from Cerne Abbas; and Cambridge.

Petition of John Gilbert Meymott and George Drew, Esquire, for compensation.

PAPERS.

The following Returns, &c. were severally presented, and ordered to lie on the table; namely,—

Education, — Copy of the Report of the Committee of Council (Address 4th of June). — To be printed.

Navy, — Return of the names of mates in her Majesty's navy on the 1st of January, 1839 (ordered 3d of May).

Jamaica, — Return of copies or extracts of communications transmitted to the Marquess of Normanby, on the 7th of May (Address 30th of May).

Answer to Addresses for papers (4th of June) reported.

JAMAICA.

SIR E. SUGDEN. — I wish to ask the Right Honourable Gentleman the Under Secretary of State for the Colonies whether there would be any objection to the production of copies of the various Acts of Parliament relating to Jamaica? and if any of them have already been laid upon the table of the House? I wish to ask whether there would be any objection to their being immediately printed, so that they might be in the hands of Members before the discussion on the Jamaica Bill came on?

Mr. LABOUCHERE. — There can be no possible objection, unless any of them have already been included in the list of documents laid before the House. With respect to the copies of the other Acts, I will take care that all these Acts shall be produced with as little delay as possible.

SIR E. SUGDEN. — I wish to know if they will be printed?

Mr. LABOUCHERE. — They will be printed, if ordered to be printed by the House.

SIR R. INGLIS. — Sir, I should desire to ask the Right Honourable Gentleman opposite whether he would have any objection to Mr. Burge being heard upon his petition upon the second reading of the Jamaica Bill?

Mr. LABOUCHERE. — I have no reason to offer any objection to that course, and I hope that the address of the Learned Gentleman will attract a greater audience than it did on a former occasion, as I am extremely desirous that the House should hear everything that can be urged, by a gentleman so well acquainted as Mr. Burge is, with all the circumstances and condition of the colony.

PUBLIC EDUCATION.

SIR J. GRAHAM. — Sir, I regret that the Noble Lord the Secretary for the Home Department is not in his place; but I wish to call the attention of the Government to the circumstance, that on the 30th of April last the Noble Lord the Member for North Lancashire moved an Address to the Crown for a copy of any Order in Council appointing a committee of council to superintend the application of any sums voted by Parliament for the purpose of promoting public education. That Address was presented on the 30th of April, and no Return has yet been made to the House.

VISCOUNT PALMERSTON. — At present, I cannot account for the delay; but I will inquire into the circumstance.

BUENOS AYRES.

On the first Order of the Day being read, —

SIR S. CANNING said: — Sir, I think the present a fitting opportunity, seeing the Noble Lord at the head of the Foreign Department in his place, to put a question to him. The subject to which my question refers relates to the state of trade with the important port of Buenos Ayres. The House is aware that a blockade was instituted eighteen months ago by the French Government, and the consequence is that trade has been entirely suspended, of course to the serious interruption of the commercial interests of every nation trading with that part of the

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world, and the great detriment of our own. I believe that our loss would be found to have amounted to no less a sum than perhaps 2,000,000*l.* sterling, if the returns of the export trade could be produced. I think, therefore, that the anxiety of our merchants upon this subject should receive some relief, especially as, two days ago, intelligence was received that the blockade still continued. What I want to know is, whether, supposing the blockade still to be maintained, there is any prospect of its discontinuance? and whether her Majesty's Government has taken any steps, by mediation or otherwise, to shorten its duration? When I have received an answer to this, I shall ask another question; and the answer I receive to it will determine whether or not I shall feel it my duty to bring the whole matter before the House.

VISCOUNT PALMERSTON. — Sir, the last despatches I have received from our minister at Buenos Ayres are dated the 21st of February, and at that time the blockade still continued. I can state that her Majesty's Government has been unremitting in the exercise of friendly offices, both at Paris and Buenos Ayres, in order to bring about an amicable adjustment of the matters in dispute.

SIR S. CANNING. — Sir, as the Noble Lord has not expressed an opinion that there is any prospect of immediate relief to our commercial interests, I should wish to be put in possession of the general grounds upon which the French Government found their right to enforce the blockade?

VISCOUNT PALMERSTON. — The grounds have been published by the French Government, and by the Government of Buenos Ayres.

SIR S. CANNING. — I wish to ask the Noble Lord whether one of the grounds is not the demand of the French to be placed, by treaty, on the footing of the most favoured nations with regard to trade?

VISCOUNT PALMERSTON. — Certainly, one of the demands is, that until a treaty of commerce be concluded, France shall be placed on the footing of the most favoured nations.

CAPTAIN PECHELL. — I wish, Sir, to know whether anything has been done towards the settlement of the property of the late Mr. Lee, of Buenos Ayres? I am informed that it depends upon the raising of the blockade.

VISCOUNT PALMERSTON. — I have received some information on the subject from our minister at Buenos Ayres; but I have not given it my own attention, as yet. The consul at Buenos Ayres has received instructions to give his utmost attention to the subject.

CLERKS OF THE PEACE BILL.

Considered in committee, and reported; further consideration of Report on Friday; Bill, as amended, to be printed.

COPYHOLDS ENFRANCHISEMENT BILL.

On the motion for going into committee on this Bill, —

SIR EDWARD SUGDEN said: — I hope that the Honourable and Learned Gentleman will postpone this Bill till next Session. I am friendly to a system of enfranchisement, and would be glad to co-operate with the Learned Gentleman opposite, in endeavouring to frame a measure giving greater facilities to powers of voluntary enfranchisement, and such other provisions as would meet the justice of the case; but I cannot consent to the compulsory powers, which would do great injustice to many parties, especially where a tenant for life might be obliged to pay for the enfranchisement of the reversion. I object, also, to the introduction of a system into this country which would call for the assistance of commissioners, to be paid at the public expense. I hope, however, that the Bill will be brought forward in the next Session of Parliament at such an early period as shall insure its being passed.

Mr. JAMES STEWART. — Sir, there are three modes by which enfranchisement of copyholds could be effected. There is the voluntary mode, by means of the tithe commission; there is the compulsory mode, by the same means; and there are facilities independent of both these modes. Even then, should the compulsory clauses be taken out, two other methods would still remain; and therefore I do not think the Right Honourable and Learned Gentleman's objection forms any reason for postponing the Bill. The Bill was not brought forward on my own responsibility; but it was founded on the Report of a committee which sat last year, composed of Members

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of both sides of the House, and the resolutions were drawn up by the Right Honourable Member for Tamworth. The details of the Bill I have no objection to see altered. I hope, therefore, that the House will allow me to proceed with the Bill. I would be quite ready to abandon the compulsory clause, though I think it desirable, and to go on with the Bill, taking the two modes of voluntary enfranchisement contained in it. If the Bill has been brought in late in the Session, it is no fault of mine, as I attended night after night for the purpose of introducing it.

SIR G. STRICKLAND. — Sir, I understand, from the speech of my Honourable and Learned Friend, that he means to proceed with the Bill, but to give up the compulsory clauses. But, Sir, it appears to me that, even by giving up the compulsory clauses, its defects could not be remedied; and I shall therefore move that the committee be postponed to this day six months, and it will depend upon the support I receive whether I shall press this motion to a division. I did not oppose the second reading, because I understood from the Honourable Member for Honiton that he would reprint the Bill, and modify the compulsory clauses. The Bill has been reprinted, but the clauses remain as objectionable as ever. I think it should have been intituled, "A Bill to take away the Rights of all Lords of Copyhold Manors, and to compel the Tenants, whether willing or not, to purchase the same." The Bill is a direct interference with the rights of private property, in a manner in which the Legislature never dealt with it before. Hitherto we have never interfered with those rights, except when great public utility demanded such a course. I think that any general Bill, giving a compulsory power of enfranchisement applicable to all cases alike, would work great injustice. That was the opinion of Mr. Blamire, the chief tithe commissioner, to whom the working of this Bill was to be intrusted, and of many others. Sir, you have already heard that our plan is to give the tithe commissioner power to bring this Act into operation. I cannot conceive this possible, as I happen to know the principal commissioner, and I think he would hardly give such a recommendation.

SIR R. H. INGLIS. — I rise, Sir, to second the amendment; for, though I do not object, *in toto*, to the Bill, yet I entertain such objections to the compulsory clauses, that, unless the Honourable and Learned Gentleman will promise, in committee, to erase all those clauses, I must resist the progress of the Bill.

The ATTORNEY GENERAL. — I regret that any opposition is given to a Bill which, I am convinced, would confer great benefits on the country. I, myself, brought in a Bill for the enfranchisement of copyholds, founded on the Report of the Real Property Commissioners; but that Bill only provided for voluntary enfrnchisement. A committee was then appointed, formed of Members of both sides of the House, and in which the Right Honourable Member for Tamworth took an active part, to consider the whole question; and though, in the committee, I opposed the insertion of the compulsory clauses, yet, finding that they were strongly advocated by the Honourable Member for Tamworth, and other well-informed persons, I gave way, and cheerfully yielded up this Bill to the management of my Honourable and Learned Friend the Member for Honiton. The committee called before them the tithe commissioners; and it was their opinion that its object could be effected, and effected beneficially; though, as the Honourable Member for the North Riding said, no general rule could be laid down. That was the very reason why it was proposed to appoint Mr. Blamire, and other discreet men, to carry out its provisions, and see that justice were done both to the lord and to the tenant. I hope that the House will not allow the Session to pass over without doing something to remove the reproaches cast upon the present law. I readily admit that the copyhold tenure has some advantages; but there is no advantage which could not easily be transferred to freeholds: and what are the disadvantages of the tenure? The interest of the lord in the soil is such as to work great public injustice. For instance, to all timber which is growing on copyholds the lord is entitled, and the result is, that none is planted; and this circumstance gave rise to the saying, "that the oak was too noble a plant to grow on a servile soil." Then, again, on a regrant, on death or alienation, the lord is generally entitled to a fine, equal to two years' improved value. So that no one will build upon copyhold land, or lay out any money to improve it. The Honourable Baronet says that this Bill would deal unjustifiably with private property; but when the public good requires it, we must deal with private property, — taking care, however, that all interested in the property should have ample

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compensation. In this Bill all the interests of the lord are carefully guarded, and it is equally beneficial to the lord and to the tenant. As, however, I find, that the Bill, as it stands, is to be strongly opposed,—and as, in the present state of the Session, any measure, so opposed, cannot be expected to pass,—I would advise my Honourable and Learned Friend to withdraw the compulsory clauses. The Bill, even then, would do much good. At present, when a tenant is on his death-bed, seven or eight different persons are waiting round him, in eager expectation for the preference, to seize upon his cattle. These are the remains of a barbarous age; and if we only get an alteration in this respect, from this Bill, it will do good. If the House will consent to go into committee, I am sure my Learned Friend will do all that can be reasonably desired; and I hope that we shall succeed in obtaining an instalment of progressive reform in copyhold law;—for this Bill, if it passes, cannot be held up as final, and you will never hear anything of the finality of the Copyhold Reform Bill,—and, whilst any abuses are to be remedied, I, for one, hope that reform will proceed. I think that the present Bill, even when altered, is calculated to do great good; and I trust that the owners of copyholds will gladly submit to regulations required for the public benefit,—following, in this, the example of the church on another occasion.

SIR EDWARD SUGDEN.—I have no objection to the alterations being made, provided that, when the Bill is altered, ample opportunity be afforded for the discussion of the measure, and for pointing out the objections that may exist against it.

LORD GRANVILLE SOMERSET.—Being exceedingly anxious that something should be done for the law of copyhold, I shall give my vote for the second reading of this Bill.

Mr. HOPE.—It will be my duty to call the attention of the House to a petition I presented, containing a statement of the grievance that would be inflicted upon the stewards of manors by this Bill; and I also wish to remind the House of a petition presented from the steward of the manor of Wakefield to the same effect.

Mr. ESTCOURT.—The interpretation clause is much more comprehensive than as it was arranged, when the Bill was in committee; and, in consequence, there is the most unjust interference with private property.

Mr. AGLIONBY.—If the House will not consent to go into committee except the compulsory clauses be struck out, I suppose the Honourable Mover must submit; but I protest against striking out that which is the most important part of the Bill. Still, however, much good will remain in the Bill, and, if forced, I must assent to the sacrifice; however, I will never lose an opportunity, so long as I have a seat in the House, of endeavouring to get rid of this odious remnant of the feudal system.

Amendment, by leave, withdrawn; main question put, and agreed to; Bill considered in committee, and reported; further consideration of Report on Wednesday next; Bill, as amended, to be printed.

PATTERNS AND INVENTIONS BILL.—LAND TAX DOUBLE ASSESSMENTS BILL.

Second readings severally deferred till Wednesday, the 19th of June.

SEWERS BILL.

Committee deferred till Wednesday next.

ELECTORS' REMOVAL BILL.

Read a second time, and committed for Wednesday next.

SUPPLY.—WAYS AND MEANS.

Committees severally deferred till Friday.

HIGH SHERIFFS' EXPENSES BILL.

Considered in committee; to be reported on Friday.

WINDSOR CASTLE STABLES.

House in committee.

The CHANCELLOR of the EXCHEQUER.—I rise, Sir, to move, "That a sum, not exceeding 70,000*l.*, be applied, out of the land revenues of the Crown, to

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defray the expense of erecting stables and stable offices contiguous to Windsor Castle."

No man can have visited Windsor Castle without being aware that the stables belonging to it are very unsuited to a royal palace. It has been thought desirable to build new stables and a riding-school there, and I am happy in being able to state that this can be done without any charge on the public purse. If we were to take the amount required from the hereditary revenues of the Crown, it would be exactly the same as taking it from the public purse, as these revenues have been surrendered to the public. The amount, however, to which I have alluded has been saved, out of the fines of the land revenues, and therefore is not taken from the annual income. This fund has accumulated so as to enable us to build the stables out of it. At present, stables are rented in various parts of Windsor; and when the new buildings are erected these will be given up, and thus a saving will accrue. Again, it has been found necessary to build a riding-house at Windsor for the sake of the health of her Majesty. I will take this opportunity of correcting a delusion that has gone abroad, that the statements of the income from the land revenues which have appeared in the two or three last revenue papers, have arisen from the sale of portions of property. This, however, is not the case; but the sums in question have resulted from the revenues of the Woods and Forests. It has been asked, why has not a similar application of income taken place before? My answer is, that the land revenues of the Crown are incumbered with a debt, which amounts to upwards of 11,000,000*l.* for building Regent Street; and it is obvious that no surplus revenue could be applied until this debt was paid off. I trust, however, that there will be a continued increase in this branch of the revenue, as the property is an improving one."

Mr. M. PHILIPS.—Will the sum proposed to be voted cover the whole expense?

The CHANCELLOR of the EXCHEQUER.—It will be sufficient.

Mr. WAKLEY.—As I deem 70,000*l.* for the building of stables an extravagant waste of the public money, I give notice that, at a future stage, I shall move that it be reduced to 50,000*l.* I would do so now, but that I fear that the House would be counted out.

The vote was then agreed to, and the resolution to be reported to-morrow.

BOROUGH COURTS BILL.

On the motion of the SOLICITOR GENERAL, read a third time; title amended; Bill passed, with amendments.

JAMAICA BILL.

On the motion of Mr. F. HODGSON, (in the absence of Sir Robert Inglis), petition of Mr. Burge (presented 3d of June) read; Mr. Burge to be heard upon his petition on the second reading of the Bill.

Adjourned at a quarter after eight o'clock.

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HOUSE OF LORDS, Jovis, 6° die Junii, 1839.

APPEALS.

Ewing *v.* Burns. — Considered, and interlocutors reversed, with directions, and with costs in the court below.

Fleming *v.* Dunlop. — Further and fully heard, and consideration adjourned to Tuesday next.

Abernethie *v.* Forbes (or Gordon). — Adjourned to Monday next.

Pearson *v.* Casamajor, *et è contra.* — To be heard on Monday next.

Shore *v.* Wilson. — To be further heard on Monday, the 24th instant, and the judges to attend.

O'Connor *v.* Malone. — Considered and ordered below, altered and varied.

EARL OF SEFTON'S CLAIM TO VOTE FOR REPRESENTATIVE PEERS FOR IRELAND.

Committee for Privileges met; counsel heard; witnesses examined; and the committee resolved, — "That his Lordship had made out his claim, and Report thereof to be made in the House."

LORD TEMPLEMORE'S (DUKE OF RICHMOND'S) ESTATE. — EARL OF DARNLEY'S (BISHOP OF RIPON'S) ESTATE.

Read a third time, and passed; and sent to the Commons.

CAMOYS BARONY.

The effect, on the petitioner's claim, of the attainder in this case, to be re-argued by one counsel on a side; and the judges to attend: and a petition of Thomas Stonar, Esquire (one of the claimants), for leave to lodge an additional case. — Read, and ordered, as prayed.

LORD CREMORNE.

Petition of, claiming a right to vote at the election of Representative Peers for Ireland. — Read, and referred to the Committee for Privileges.

HODSON'S ESTATE BILL.

Read a third time; amendments made; passed, and sent to the Commons.

LIVERPOOL AND MANCHESTER RAILWAY EXTENSION BILL. — GREAT NORTH OF ENGLAND RAILWAY BILL.

Read a third time, with the amendments; passed, and sent to the Commons.

MORVILLE AND SHIPTON ROAD BILL. — PERTH POLICE BILL.

Read a third time, and passed.

BRIGHTON GAS BILL. — HARTISHEAD INCLOSURE BILL.

Read a second time, and committed for Monday next.

CLUN INCLOSURE BILL.

Returned from the Commons, with the amendment agreed to.

SOUTH EASTERN RAILWAY BILL. — DESIGNS COPYRIGHT BILL. — COMBERTON INCLOSURE BILL.

Returned from the Commons, with the amendments agreed to.

BASINGSTOKE ROADS BILL.

Returned from the Commons, with the amendment agreed to.

WITHAM DRAINAGE BILL.

Reported, without amendment.

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HATFIELD SMALL DEBTS BILL.— WEST CROFT INCLOSURE BILL. — WEST BECKHAM AND ALBY INCLOSURE BILL. — NOTTINGHAM COMMON FIELDS INCLOSURE BILL.—EDENFIELD AND LITTLE BOLTON ROAD BILL. — ABERDEEN MARKETS AND IMPROVEMENTS BILL (No. 1.) — LONDON BRIDGE APPROACHES BILL.—HALIFAX, HUDDERSFIELD, &c. SMALL DEBTS BILL. — NORWICH TONNAGE BILL.

Brought from the Commons, and read a first time.

NORTH MIDLAND RAILWAY BILL.

Reported specially, with amendments.

MANCHESTER AND LEEDS RAILWAY BILL. — SLAMANNAN RAILWAY BILL.

Reported specially from the Standing Orders Committee; and leave given to proceed with the Bills.

EDINBURGH, LEITH, AND NEWHAVEN RAILWAY BILL.

The order for the committee to meet to-morrow, discharged; and Bill referred to the Standing Orders Committee on Tuesday next.

DOVER, DEAL, AND SANDWICH ROAD BILL.

Report from select committee, That the Lord Sudeley (a member of the committee) being unable to attend in consequence of domestic affliction, the committee adjourned until to-morrow, at eleven o'clock. The Earl Beauchamp added to the committee.

SAINT LEONARD'S AND SEDLESCOMB ROADS BILL.

Report from the Select Committee appointed for proposing Committees on Opposed Bills, That the following Lords be selected and proposed to the House to form the select committee for the consideration of the Bill; namely, —

The Earl of Rosslyn,
The Viscount Canning,
The Lord Dacre,
The Lord Lilford,
The Lord Stuart de Rothesay.

Agreed to, and the said Lords appointed accordingly; the committee to meet on Wednesday next, at eleven o'clock; and the petitions in favour, and the petition praying to be heard by counsel against, severally referred to the committee, with leave to the petitioner praying to be heard by counsel to be heard, as desired, as also counsel for the Bill.

RAMPTON INCLOSURE BILL.— BURY AND HASLINGTON ROADS BILL. — CLITHEROE AND BLACKBURN ROADS BILL. — RISHWORTH RESERVOIRS BILL. — EYEMOUTH HARBOUR BILL.

Reported, without amendment.

SLAMANNAN RAILWAY BILL.

The House was informed by the chairman of committees, that the opposition to this Bill was withdrawn.

POSTAGE.

The EARL CAWDOR, the EARL of ROSEBERY, EARL DE LAWARR, LORD COLVILLE, the EARL of RADNOR, and the EARL of STANHOPE presented petitions for reduction of the rate of,—of ministers and messengers of the churches of the Baptist denomination in Oxfordshire: of the mayor, aldermen, and burgesses of Totnes: of merchants, manufacturers, bankers, and others of Paisley; and Uppingham: of the United Associate Presbytery of Dunfermline: and of inhabitants of Laugharne; Ringwood: Newbury; Daventry; Leiston; Yoxford; Gosford; Manningford; Thetford; Tunstall; Pitton and Farley; Wantage: Friston and Knodeshall; Narberth; Chelmondiston; Cricklade; East Bergholt; and Brighton. —Read, and ordered to lie on the table.

Also, a petition of the ministers and messengers of the Southern Association in Hants.—Read, and ordered to be received as the petition of Thomas Tilly

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(secretary), and Charles Cakebread (moderator), who, only, have signed it.

SCOTCH CHURCH.

The EARL CAWDOR presented a petition for the further endowment of, — of inhabitants of Assynt. — Read, and ordered to lie on the table.

PRESBYTERIANS.

The MARQUESS of DOWNSHIRE presented petitions praying that provision may be made for the instruction of soldiers of the Presbyterian religion in the tenets of their peculiar faith, — of the minister, elders, and others of the Presbyterian congregation of Newry; and of the Presbyterian congregation of Anahilt. —Read, and ordered to lie on the table.

EDUCATION (NATIONAL).

EARL BEAUCHAMP presented petitions against the plan recommended by the Privy Council, — of the minister, churchwardens, and others of Rochford: and of inhabitants of Foulness; Kidderminster, Allcannings; and Greetham. — Read, and ordered to lie on the table.

MALTA.

The MARQUESS of NORMANBY.— I wish to observe, with reference to the motion of which the Noble Earl opposite has given notice, concerning the removal of certain individuals from office in Malta, that, on inquiry, I find that a correspondence has taken place on this subject, subsequent to that of which the House is already in possession, and which I wish to be laid before your Lordships. I trust that, in the unavoidable absence of my Noble Friend the late Secretary of State for the Colonies, the Noble Earl will consent to postpone his motion for the present; and also that he will allow me to add certain papers to those already produced, and thus to afford a greater degree of information to your Lordships.

The EARL of RIPON.—I do not think that the proposition to produce additional papers forms a ground of necessity for my putting off my motion for a third time; because I really do not consider that those papers are of any consequence. I received, last night, a communication from the late Noble Secretary (Lord Glenelg), saying he was labouring under severe indisposition, and that he should not be able to attend to-day; but adding, that he did not wish the motion to be postponed on account of his absence. But as my observations will certainly apply to some parts of that Noble Lord's conduct, and also to some portion of the conduct of the commissioners, — which observations that Noble Lord, alone, can be expected to be competent to reply to, —I do not feel that I can proceed with my motion to-night, without subjecting myself to some suspicion of unfairness. It is, however, extremely inconvenient, and extremely disagreeable to me, to have thus to postpone the matter, from time to time, because it not only affects the public, but it affects the interests and feelings of individuals; and if I put it off now, as I feel I must do, I venture to say the odds are that I shall never be able to bring it on at all.

The MARQUESS of NORMANBY. — So far as I am concerned, I can assure the Noble Earl that I will afford him every facility for bringing on the discussion. I have nothing to do with the conduct of the commissioner; and if the Noble Earl wishes to proceed now, I shall not object to his taking that course.

The EARL of RIPON. — Under all the circumstances, it is impossible for me to proceed with the question now.

LORD PORTMAN. — The discussion ought to be brought on as soon as possible, in order that justice may be done to the parties concerned. The Attorney General for Malta feels that he is aggrieved, and he is most anxious that the question should be immediately considered. He has faithfully performed his duties, not only as Attorney General, but he has zealously discharged other duties which have been cast on him; and he deems it exceedingly hard that he should have been described as a sinecurist.

The MARQUESS of NORMANBY. — No imputation whatever has been cast on the gentleman alluded to, for not duly and effectually performing all the duties which he had to discharge. The question is as to the extent and amount of those duties. But it is impossible for your Lordships to go into a discussion on one branch of the subject, without considering the whole question.

The EARL of RIPON. — I shall certainly take the earliest opportunity of bringing the matter forward.

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SIR JOHN STODDART.

On the motion of the MARQUESS of NORMANBY, ordered,— An Address for copy of correspondence between the Marquess of Normanby and the Commissioners of Inquiry respecting Sir John Stoddart's claim for compensation.

SABBATH.

The BISHOP of CHICHESTER and the BISHOP of LONDON presented petitions for the better observance of, and for suspension of the business of the Post Office on the Sabbath, — of gentlemen, clergy, merchants, and others of Liverpool: and of inhabitants of Iscoyd; Market Harborough; and Bronnington. — Read, and ordered to lie on the table.

POOR LAW AMENDMENT ACT.

EARL STANHOPE. — My Lords, I beg leave to present a petition from certain ratepayers of Milverton, in the county of Kent, praying for an amendment of the Poor Law Act. The petitioners are anxious that provision should be made to facilitate the granting of out-door relief in certain cases. As I see in his place a Noble Earl (the Earl of Hardwicke), who is chairman of the Caxton union, in the county of Cambridge, I shall take this opportunity of presenting two petitions to your Lordships, respecting certain proceedings which are alleged to have taken place in that union. I feel it right to say a few words on the rather unusual occurrence of presenting two petitions on the same day from the same individual, and on the same subject, to your Lordships. The petitioner calls for inquiry into her statement, which clearly can only be effected through a committee of this House. When a committee was sitting last Session to investigate certain complaints connected with the poor law, it was impossible for them to investigate all the cases in time, as Parliament was prorogued; and it is obvious that I could not present these petitions at an earlier period. They come from a woman of the name of Hannah Ingrey; and she, in the first petition, complains that she was compelled by the conduct of the Caxton board to dispose of her dwelling, that relief was refused her, and that she was turned into the street, where she was for some time exposed to the inclemency of the weather night and day. She also complains that her husband was unjustly condemned to imprisonment for three months in the county gaol of Cambridge. In the second petition, from the same party, she complains that she was sent backwards and forwards no less than fifty miles before she could procure relief, and that she was obliged to sell some of her clothes for the purpose of procuring food. She therefore earnestly prays for inquiry. Now, no man who is at all acquainted with the Noble Earl, can for a moment suspect that he would in any shape tolerate cruelty. The Noble Earl is, however, chairman of the board of guardians, and I feel that I have only done my duty in thus giving my Noble Friend an opportunity of explaining the matter.

The EARL of HARDWICKE. — I will endeavour, as briefly as possible, to answer the statement of the Noble Earl. I am sure your Lordships will always receive, with proper attention, petitions from the humbler classes of society; and when such petitions in any way concern one of your Lordships' body, that fact will, I believe, rather increase than diminish your desire to investigate the matters referred to in them. Your Lordships will recollect that, last year, a similar petition was sent up to this House from the husband of this petitioner. Now, I believe that some individuals are induced to make an unworthy attempt to excite prejudice against the poor law, rather than to point out real and tangible grievances under it. This petition alleges that certain oppressive acts have been perpetrated by me and the guardians of the Caxton union. Allegations are made in the present petition, either under a mistake on the part of the petitioner, or with a wilful intention with respect to the board of guardians, impugning their conduct very unjustly. So far as regards the board of guardians, no reference is made to any acts committed by them, which acts were not perfectly justifiable. It is made a matter of complaint, in the petition, that these parties were incarcerated. But what is the fact? They were in very great distress; and, fortunately for them, there was a workhouse ready to afford relief. Into that house they were received, and they became, of course, amenable to its rules. It is further alleged as a grievance, that the husband was sent to prison. The cause of his imprisonment was this: — He was permitted by the board of guardians to go out and seek for employment. He did so, and he was then called on to support his wife, which he was obliged to do by that Act of Parliament which provides that individuals shall be compelled to support their families if they are able to do so. The man re-

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fused. His offence came under the notice and jurisdiction of the magistrates, who visited it with imprisonment. The board of guardians had nothing whatever to do with the matter. The second petition complains that the petitioner was obliged to travel a certain number of miles for the purpose of receiving relief. Of that I know nothing. But I am certain that if the petitioner had made the board of guardians acquainted with the conduct of the relieving officer, and that person's conduct had appeared to have been improper, strict and prompt justice would have been done in the case. I am very sorry that this complaint was not sent to the Secretary of State; because in all cases of this nature, where complaint is so made, commissioners are sent down to inquire into the alleged grievance. They investigate the matter carefully, and they examine witnesses, judicially, on oath. Thus they get at the true facts of the case; and in every instance, I believe, strict justice is administered. I should be exceedingly glad if an investigation were to take place with respect to this or other complaints of a similar description. I think that the committee of last Session might be beneficially renewed, since its labours were useful in disabusing the public mind with respect to the operation of this measure. I need only further observe, that if, in this instance, any inquiry were instituted into the conduct of the board of guardians, I am convinced they would come fairly and honourably out of it.

Read, and ordered to lie on the table.

EDUCATION (NATIONAL).

LORD BROUGHAM.—My Lords, I hold in my hand a petition from inhabitants of St. Mary, Newington, Surrey, in vestry assembled, in favour of the national system of education, recommended by the Privy Council. The late Government scheme on this subject is, in my opinion, chiefly objectionable, because it does not go far enough.

The MARQUESS of LANSDOWNE.—Among the many gross and extravagant falsehoods which are put in circulation respecting that scheme, has been the assertion that it is to be a system, and a compulsory system, of national education.

Read, and ordered to be received as the petition of John Inville (vestry clerk), who, only, has signed it.

POOR LAW AMENDMENT ACT.

EARL STANHOPE.—I beg to give notice of my intention, to-morrow, to present a petition relative to the new poor law, from the guardians of the parish of St. George, Southwark, complaining of wilful misstatements on the part of the dictators of Somerset House.

LORD BROUGHAM.—Who are they?

EARL STANHOPE.—The Poor Law Commissioners are correctly designated as the dictators of Somerset House; and if the Noble and Learned Lord does not know them by that name, I think he is almost the only man in Europe who does not. I shall also, to-morrow, present a petition from Thomas Coombs, of the Portsea Island union, disclosing a case of extraordinary hardship.

LORD BROUGHAM.—I do trust that my Noble Friend will not bring forward this matter to-morrow, as it would be highly inconvenient to the Noble and Learned Lord (Lord Lyndhurst), to put off his motion respecting the Courts of Chancery. The close of a debate is generally followed by another scene: we go to bed. The best course to adopt, as regards this petition, would be to have it printed.

EARL STANHOPE.—Then I beg to move that the petition of Thomas Coombs be printed.

LORD WHARNCLIFFE.—I beg to observe, that it is not your Lordships' habit, in this House, to print petitions.

EARL STANHOPE.—Very well. On Monday or Tuesday, if it be convenient to the House, I will present these petitions. In the mean time, I will read that which comes from Thomas Coombs.

To the Right Honourable the Lords spiritual and temporal in Parliament assembled.

The petition of Thomas Coombs,

Humbly showeth,—That your petitioner is a poor man with a wife and nine children, seven of whom are under sixteen years of age, and one only seven months old. His occupation is that of a labourer, chiefly digging clay for bricks, by which, working for Mr. Miall, one of the guardians of the Portsea Island union, he earned last summer 12*s.* a-week. But for fifteen weeks previous to the calamity which occasions his addressing your Right Honourable House he could not get any work whatever.

It is obvious that your petitioner could not, even when in constant work, support so large a family as his as it ought to be supported; and

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also that his wife could not, consistently with the discharge of her duties as a mother, earn anything in addition to that earned by him. His eldest child, a girl, stitches stays at seven farthings per pair, by which she cannot earn more than 1*s.* 9*d.* a-week. It may, perhaps, be asked why, if the remuneration be so low, the work is accepted? The answer is, the poor have no alternative but to accept whatever an employer may offer them, or starve. The Legislature has put the power of starving them into the hands of the administrators of the poor law, and they, as your petitioner is about to show, are ready to exercise it.

Having vainly attempted to keep himself and family by feeding on the very coarsest food, — namely, the refuse potatoes usually given to hogs, and sold for just half the price of those commonly eaten by man (in proof of which he may just state, that one day on his going to buy some the seller exclaimed to a bystander, "That man is going to fatten his children on my hog potatoes"), — he applied for relief to the guardians of Westbourne, of which union he is an acknowledged pauper, but was refused, — the board telling him that Portsea union was bound to keep him twenty-one days, and then send him home, when he would be placed in the workhouse. He therefore applied to the guardians of the Portsea Island union, stating to them the direction he had received from those of Westbourne; when he was refused by them also, and told, on asking how he was to get his children to Westbourne, that he might carry them on his back. Your petitioner believes that the refusal of his application by one, and probably by both of these boards, is contrary to law, or at least not enjoined by it; but, as the Legislature has refused to the poor an appeal from their oppressors, their right to relief when in distress, or claim for redress when wronged, is to all practical purposes a nullity.

Thus rejected and spurned as an outcast from society, your petitioner went about again seeking for work, till nature could endure no more. On the last day of January he dropped from the effects of want, and lay for some time — he knows not how long — on the snow. On coming to himself, after a little while, he staggered home, but immediately became so alarmingly ill that his life was despaired of.

Having thus reached that degree of suffering which the assistant commissioner for Hampshire gives as the description of destitution, namely, "being ready to drop in the street," and thus become qualified in the opinion of the Portsea board for relief, he had for his family 4*s.* and three gallons of bread weekly, and for himself medical relief, and such nourishment as the surgeon who attended him prescribed. And when he had recovered sufficiently to bear the journey, he was, with his family, removed to Westbourne workhouse, where they were first locked up in cold damp rooms, as if they had been guilty of some crime, and afterwards separated from each other with as little regard to their natural rights or feelings as if they had been so many cattle. Distressed as your petitioner and his wife and children had previously been, they had hitherto had the solace of each other's society, and the alleviation which mutual love, when it can but pity, can give. But now, though their bodily wants might perhaps have been less scantily supplied than they had been, those feelings with which God has alike endued the peer and the peasant were so outraged by this separation of the husband from the wife, and the parents from the children, that they could not endure it, and accordingly the next day left the house, preferring, if it must be so, to pine away from starvation rather than from a broken heart. What the issue may be your petitioner knows not. He obtained work from a contractor for a new church, but was obliged to give it up from weakness. Till his starvation he was a strong and healthy man; now he is enfeebled, perhaps for life; a victim to oppression which defrauds and destroys the poor to enrich the wealthy.

Your petitioner, with the humility which becomes a subject addressing the Legislature, but with the indignation which a loyal, honest, and industrious man may, though poor, be excused from feeling on the remembrance of wrongs so wantonly, though legally, inflicted, prays that protection may be co-extensive with allegiance, and therefore that such an alteration may be made in the poor law as may enable a poor man to obtain relief in necessity, or redress for the refusal of it. Had he died, the guardians would, he presumes, have been indictable (not that he supposes they would have been indicted) for manslaughter. He is led to this conclusion by supposing that the law assigns the duty of providing for the destitute to those whom it constitutes and designates their guardians; and hearing that a father, the legal guardian of his children, was lately indicted for "killing and slaying his son, by refusing to supply him with the necessaries of life." But the punishment of the manslayer, how salutary soever as an example to society, is no compensation to the victim for his death, or to his family for their loss. Your petitioner therefore further prays, that the redress he asks for may be attainable before matters have proceeded to the last extremity, and comprise a reparation to the injured as well as the punishment of the offender.

And your petitioner, as in duty bound, shall ever pray.

The mark + of THOMAS COOMBS.

Witness to the petitioner's signature,
EDMUND DEWDNEY,
Incumbent of St. John's Chapel, Portsea.

LORD BROUGHAM. — This poor man appears to have a very great gift of composition, and it is extraordinary such a person should not be able to obtain better employment than that of a day labourer at a few shillings per week.

EARL STANHOPE. — The poor man cannot write; he has only put his mark to the petition.

LORD BROUGHAM. — If it is signed by a marksman, then blame cannot be imputed to him for the gross misstatements which are made in the petition both with respect to law and to fact; but if another person wrote the petition, then he certainly is most reprehensible for making such atrocious misrepresentations. I shall be perfectly ready to demonstrate both the assertions I have made; namely, — that

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the petitioner misstates law, and misstates facts also.

EARL STANHOPE. — Has the Noble and Learned Lord ever heard of the case before?

LORD BROUGHAM. — No; but the statement, that the object of the poor law is to grind the faces of the poor for the benefit of the rich, is entirely new to me.

DEAN OF THE ARCHES.

The BISHOP of EXETER. — I beg to give notice that I shall, to-morrow, move that there be laid upon the table the commission or other instrument by virtue of which the dean of the Arches holds his office. I am happy to say I have the consent of the Most Reverend Prelate (the Archbishop of Canterbury) to this motion.

TITHE COMMUTATION.

LORD ASHBURTON. — I beg to ask whether it is the intention of Government to bring forward, shortly, any measure for the explanation or amendment of the Tithe Commutation Act? There are various parts of the Act which require one or other of these, and at this advanced period of the Session I think no further delay ought to take place.

The MARQUESS of LANSDOWNE. — A measure of the sort is under the consideration of the Government; but, in the course of their communications with the commissioners on the subject, so many new points, for the most part of minor importance, have arisen, that the production of the measure has been inevitably delayed. This is the sole cause, as the Government are anxious that something should be done.

LORD PORTMAN. — I only wish that something may be done with regard to the mode of rating, not only tithe, but other property. In consequence of a late judgment of the Court of Queen's Bench, there is no one rate in the kingdom which could be maintained, if it were to be contested. That judgment had the effect of reviving a principle which has never been acted upon since the time of Elizabeth. It affects not only the poor-rate, but the way-rate, which is founded on the poor-rate. The judgment, in fact, imposes an income tax. Something should be done; and I think a separate legislative measure will be necessary.

LORD WROTTESLEY. — The practice of taxing goods to the poor rate is unsatisfactory, and always has been unsatisfactory. The best mode of settling these cases is by private compromise.

LORD ASHBURTON. — I agree that the judgment spoken of by the Noble Lord goes to effect a complete revolution in the mode of rating. By the law, as it now stands, the profits of the farmer are liable to be rated.

SPAIN.

The MARQUESS of LONDONDERRY. — I beg to give notice that I shall, to-morrow, inquire of the Noble Viscount opposite whether any effectual measures are to be taken by the Spanish commission, now sitting, for the liquidation of the claims of the unfortunate officers of the British Legion?

VISCOUNT MELBOURNE. — I believe considerable progress has been made towards the liquidation of the claims; but I will inform myself more fully respecting the case by to-morrow.

ISLAND OF NEWFOUNDLAND.

The EARL of ABERDEEN presented petitions for the abolition of the present Colonial Legislature, and for the adoption of a better system of government, — of merchants, traders, and shipowners of Conception Bay; and of merchants of Torquay. — Read, and ordered to lie on the table.

SHERIFFS (IRELAND).

VISCOUNT LORTON. — I beg leave to present a petition from the county of Sligo, signed by 500 residents, including a very influential body of landed proprietors, complaining of the conduct of Mr. D. Jones, sheriff of the county, a Roman Catholic gentleman, appointed in 1837. The petitioners state that certain political societies have been formed in the county with the object of procuring, by various unconstitutional means, the registration of a poor class of voters, who do not really possess the qualification required by law, and that that proceeding has had the effect of severing the tie which before bound together the landlords and tenantry of the country. In 1837, this sheriff took on himself the appointment of juries to try the claims of voters rejected by the assistant barrister, and chose, exclusively, for jurors — persons belonging to those

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societies, with the view, as alleged by the petitioners, of securing the return of his son, Mr. D. Jones, for the county. The petition goes on to state various acts of improper interference on the part of the sheriff with the course of the registration. In conclusion, I beg to move that it be referred to the Committee on the State of Ireland in respect of Crime.

The MARQUESS of LANSDOWNE. — There is only this, to be said, as regards the motion of the Noble Viscount who has just sat down, — that my Noble Friend must expect the parties of whom complaint is made to be heard in their defence.

VISCOUNT LORTON. — Certainly.

LORD BROUGHAM. — I look upon the charges brought forward by the petitioners with the greatest possible distrust. However, if the Noble Viscount persist in his motion, I have no objection to it. The committee ought not to shrink from any labour imposed on them.

Agreed to.

PRISONERS (IRELAND).

On the motion of LORD WHARNCLIFFE, ordered to be laid before the House —

"Copies of all medical certificates received by the Lord Lieutenant or Chief Secretary of Ireland with respect to the inability, from ill health, old age, or infirmity, to travel, of prisoners under sentence of transportation from Ireland, in the years 1835, 1836, 1837, and 1838:" And, also,

"Return of the names of all convicts under sentence or rule of transportation who have been discharged from the hulks or transports in any of the ports of Ireland since the 1st of May, 1835; distinguishing the offences of which they have been respectively convicted, the place of trial, the sentences pronounced or recorded upon them, and whether any and what commutation or remission of the original sentence, or any part thereof, had previously been granted; stating, also, the date of the discharge and the nature of the authority under which such convicts were respectively discharged, with the date or time thereof."

RULES OF PROCEEDINGS (BOROUGH COURTS BILL).

Returned from the Commons, agreed to, with amendments; and Bill to be printed, with the amendments.

BEER ACT IN PART REPEAL BILL.

Reported from the Select Committee, with amendments: to be printed, as amended; and committed to a committee of the whole House to-morrow; and the Lords summoned.

MAYNOOTH COLLEGE.

Petition against any further grant of money for the support of, — of inhabitants of Belchamp St. Paul, Belchamp Otten, Belchamp Walter, Ovington, Liston, and Penslow. — Read, and ordered to lie on the table.

ESTABLISHED CHURCH (CANADA).

Petitions for the protection of, — of clergy of the deanery of Furness and Cartmel: of clergy and laity within the deaneries of Newport and Sampford: of ministers, churchwardens, and others of Leigh; and Saint Oswald, Chester: and of inhabitants of Saint Michael, Saint Martin, and Saint Bridget, Chester. — Read, and ordered to lie on the table.

IDOLATROUS WORSHIP (INDIA).

Petition for the prevention of, — of the minister, elders, and members of the Presbyterian church, Fisherwick Place, Belfast. — Read, and ordered to lie on the table.

ECCLESIASTICAL REVENUES (NORTH WALES).

Petition praying that any sums of money arising from the transfer of sinecure rectories may be tranferred to the Commissioners of Queen Ann's Bounty, for the benefit of the diocese in which such revenues may arise, — of inhabitants of Llanllechyd. — Read, and ordered to lie on the table.

SAINT LEONARD'S AND SEDLESCOMB ROADS BILL.

Petitions in favour of, — of parishioners

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of Westfield; Brede; and Hollington. — Read, and ordered to lie on the table.

FOREIGN FRUIT.

Petition against the importation of, unless upon payment of a duty sufficient for the protection of the home grower, — of owners and occupiers of orchards and fruit plantations, and others interested in the growth and sale of British fruit in the parish of Little Eversden. — Read, and ordered to lie on the table.

BEER ACT.

Petition for alteration of, — of magistrates, clergy, bankers, merchants, and others of Liverpool. — Read, and ordered to lie on the table.

PAPERS.

Resolutions of the Court of Directors of the East India Company, being the warrants or instruments granting any pension, salary, or gratuity. — Delivered (pursuant to Acts), and ordered to lie on the table.

Lists specifying the particulars of compensation proposed to be granted to certain persons late in the service of the East India Company, under an arrangement sanctioned by the Board of Commissioners for the Affairs of India. — Delivered, and ordered to lie on the table.

Adjourned.

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HOUSE OF COMMONS.

PRIVATE BUSINESS.

White Lead Company Bill; Filtration Company Bill. — Read a third time; amendments made; Bills passed.

West Croft (Nottingham) Inclosure Bill; Norwich Tonnage Bill; Nottingham Common Fields Inclosure Bill. — Read a third time, and passed.

Almsworthy (Somerset) Inclosure Bill. — Reported; to be ingrossed.

Commercial (London and Blackwall) Railway Bill. — Reported; Report to lie on the table, and to be printed.

Glossop Small Debts Bill. — Committee on Bill revived.

Turnpike Trusts Committee. — Report brought up, and read; to lie on the table, and to be printed.

The following petitions were severally presented; namely, —

Birmingham Canal Bill, — Of William C. Hunt, praying that the committee to whom the petition for provision in the Bill has been referred, may have leave to sit on Monday next, or that the consideration of the Report on the Bill be postponed until the petitioners shall have been heard. — To lie on the table, and to be printed.

Rathkeale (Limerick) Inclosure Bill, — Of Robert Maunsell, solicitor for the Bill, stating that subsequent to the notices having been given of the application to Parliament for the Bill, the petitioner learnt that the surveyor appointed under the Act 6 Geo. IV., for ascertaining the boundaries of parishes, &c. in Ireland, had struck the bounds of the parishes of Rathkeale and Croagh through the centre of the commons proposed to be inclosed, so that the same are now in the parishes of Rathkeale and Croagh, and not solely in the parish of Rathkeale, and praying that such alterations or provisions may be allowed to be made in the Bill to meet the circumstances of the case.

Celfast Water (No. 2.), — Of Belfast Charitable Society, against the application for a Bill.

Referred to the Select Committee on Petitions for Private Bills.

Rochdale Small Debts (No. 2.) Bill, — Of James Dearden, Esquire, against.

Brompton New Road Bill. — Petition of trustees of the Alliance British and Foreign Fire and Life Assurance Company, and Alliance Marine Assurance Company, against.

Referred to the committees on the Bills; counsel ordered.

Kingston upon Hull Dock. — Petition of Charles Frost, for dispensing with the Standing Orders (presented 5th of June). — Read.

Ordered, That under the circumstances of the case stated in the said petition, the Standing Order, requiring ten clear days between the day on which the petition for any Private Bill shall be presented and the day on which the subcommittee shall sit thereupon, be dispensed with in the case of the Kingston upon Hull Dock petition; and that the subcommittee to whom the said petition is referred do sit and proceed thereupon on Tuesday next.

LONDON BRIDGE APPROACHES BILL.

(Queen's consent signified): — Motion made by Mr. HERRIES, and question proposed, "That the Bill be now read the third time."

SIR R. INGLIS. — It is with reluctance I rise to oppose a Bill of which my Right Honourable Friend has the care, and into whose hands I should rather see it put than into the hands of the worthy Alderman opposite. But my objection remains unaltered, not merely to the Bill, but to the circumstances under which it is introduced to the House. My objection to it is, that it contains provisions that have no relation to the title of the

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Bill, and which go to authorise the demolition of St. Bartholomew's Church, near the Royal Exchange, — a church that is numerously attended, in which divine service is performed four times a week, and which was attended by 700 persons on Tuesday last. By the 71st clause of the Bill, power is given to the Governor and Company of the Bank of England to destroy that church. I may be told that it is essential to do so for the completion of a thoroughfare; but I believe that that is not the fact, and that it has been shown before the committee that the removal of a particular part only of the church will suffice for that purpose. I am ready, though unwillingly, to consent that that part of the church — namely, the tower — shall be pulled down; but I am not ready to consent to give a power to the Governor and Company of the Bank of England to traffic with consecrated ground, as I conceive this to be. The removal of the tower will give a space of forty feet, which is wider than many of the thoroughfares of the city. I have been told that the Bill, as it stands, has the consent of the Archbishop of Canterbury and of the Bishop of London. No one can feel more strongly than I do the value and importance of such sanction; but though I may have the greatest confidence in those Reverend Prelates with regard to this measure, I cannot have the same confidence in the Bishops of forty years hence. Besides, a great number of persons will be deprived of their place of worship if this measure be passed.

Another objection to the total destruction of the church is, the sacred circumstance of Miles Coverdale, the first translator of the Bible, being interred in it. I have been told that, in the course of the improvements made within the last ten years, three churches were destroyed; and that, during the last century, twenty churches were so destroyed. But that, instead of being an argument in favour of this Bill, is surely a strong reason why the House ought not to consent to the destruction of more churches. The only object of the Bill is, to improve the access to the Bank of England and the Royal Exchange; which can be effected, as I have already said, without touching the main body of the church. I do not mean to oppose the third reading of the Bill, but to propose that the words "part of" be inserted in the Bill, before the words authorising the church to be pulled down; and, if that be not objected to, I shall move the omission of certain corresponding clauses.

Mr. HERRIES. — I am not surprised at the opposition of the Honourable Baronet, — knowing, as I do, the interest which he takes in every measure connected with the established church. But I can assure the Honourable Baronet that the committee on the present Bill have sanctioned it, in its present shape, with the best feelings towards the church, — and after having investigated every circumstance connected with the case most carefully and minutely. I can also assure my Honourable Friend, that I at first took the same view of the question, in committee, as he does now. My Honourable Friend, however, has overrated the importance of the church in question as a place of worship. I doubt not that 700 persons attended divine worship there on Tuesday last, being a particular occasion; but usually the number is extremely limited, — not being above 50 or 60, if even so much. The leading consideration that determined the committee to leave the Bill as it stands was, that it gives an alternative power to pull down the church or only part of it, as circumstances may require. The Archbishop of Canterbury and the Bishop of London are appointed trustees; and the church cannot be removed unless these Reverend Prelates shall deem such a step unavoidable.

Mr. PATTISON. — The removal of the church will take place at the expense of the Bank of England, and the sum of 5000*l.* has been already subscribed for the purpose of building another church in an adjoining and more populous neighbourhood.

LORD VISCOUNT DUNGANNON. — However obvious, and unquestionably advisable, may be the contemplated improvements, I very much fear that the demolition of a church of such long standing, and which carries with it so many objects of interest, will establish a precedent of a most dangerous character. The Honourable Member opposite says that a sum of money has been subscribed to build another church; but is that church to be in the same parish?

Mr. PATTISON. — It is not wanted there.

LORD DUNGANNON. — That may sound very well; but the precedent is no less dangerous on that account, even if it be the fact. A considerable concession is made by allowing the removal of the tower; but it certainly is too

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much to ask for the total destruction of the church, more particularly when it is proved that such is not necessary for the object of the Bill.

Mr. SHEPPARD. — I must say that the pulling down of a church for such a purpose as that contemplated by this Bill is contrary to the best interests of the country.

Mr. ESTCOURT. — I quite agree with the Honourable Member. It is a monstrous thing to call upon us to sanction the destruction of a church at a time that we are contributing largely for the erection of churches throughout the metropolis. It is said that 5000*l.* have been subscribed to replace it by a new church; but that is to be erected in a different parish, and will, therefore, be of little or no avail to those who frequent the existing one. Parliament, the public, and the Bishop of London, have declared that there is an alarming want of church accommodation in the metropolis, yet power is sought by this Bill to destroy one of the metropolitan churches, — and upon grounds which, in my mind, are quite insufficient.

An HONOURABLE MEMBER. — As a member of the committee, and as a friend to the church, I beg to say that I, at first, felt some difficulty upon the subject; but as the intended improvements relate to other objects than that of mere width, — as the removal of the church must necessarily take place under the authority of the Archbishop of Canterbury and the bishop of the diocese, — and as another church will be built at no great distance from the site of the present one, affording, as it will, the additional advantage of increased accommodation, — I confess I cannot see any harm in the removal of the present church, under the sanction of these Reverend Prelates.

SIR R. INGLIS. — After the explanations which have been given by my Right Honourable Friend who moved the third reading of the Bill, and the Honourable Gentleman who has just sat down, I will not press my suggestion any further, — although I certainly am not, by any means, reconciled to the measure.

LORD VISCOUNT DUNGANNON. — I am exceedingly sorry to trouble the House by calling for a division on this Bill, particularly after the withdrawal, by the Honourable Baronet, of the reasonable proposal which he made; but, considering the precedent which will be established, if the Bill is passed, to be of so serious a character, I should deem myself neglectful of my duty if I did not press for the sense of the House. I therefore move, as an amendment, "That the Bill be read a third time this day three months."

The House divided: — Ayes 82; Noes 33; — Majority 39.

AYES.

Abercromby, Hn. G. R.	Jervis, J.
Aglionby, H. A.	Jervis, S.
Ainsworth, P.	Law, Hon. C. E.
Alston, R.	Lowther, Lord Visct.
Archbold, R.	Lushington, C.
Attwood, T.	Lygon, Hon. General
Bailey, J.	Mahon, Lord Visct.
Baines, E.	Martin, J.
Barnard, E. G.	Martin, T. B.
Barron, H. W.	Mildmay, P. St. John
Beamish, F. B.	Palmer, C. F.
Berkeley, Hon. H.	Parrott, J.
Blake, W. J.	Pattison, J.
Blakemore, R.	Philips, G. R.
Busfeild, W.	Phillpotts, J.
Butler, Hon. Colonel	Pryme, G.
Canning, Rt. Hon. Sir S.	Redington, T. N.
Chester, H.	Russell, Lord C.
Clay, W.	Sanford, E. A.
Codrington, Admiral	Sheil, R. L.
Crawford, W.	Speirs, A.
Davies, Colonel	Stanley, E.
Dennistoun, J.	Stansfield, W. R. C.
Duncombe, T.	Staunton, Sir G. T.
Easthope, J.	Steuart, R.
Eastnor, Lord Visct.	Stuart, Lord J.
Ellice, Rt. Hon. E.	Stuart, V.
Ellice, E.	Strickland, Sir G.
Evans, W.	Style, Sir C.
Finch, F.	Thornely, T.
Grey, Rt. Hon. Sir G.	Wallace, R.
Grosvenor, Lord R.	Ward, H. G.
Hall, Sir B.	White, A.
Hastie, A.	Wilshere, W.
Hawes, B.	Winnington, T. E.
Hector, C. J.	Winnington, H. J.
Heneage, E.	Wood, T.
Heneage, Rt. Hn. J. C.	Yates, J. A.
Hobhouse, Rt. Hon. Sir J.	Young, J.
Hodges, T. L.	*Tellers.*
Hoskins, K.	Maule, Hon. F.
Hutt, W.	Wood, Sir M.
Hutton, R.	

NOES.

Acland, T. D.	Glynne, Sir S. R.
Alsager, Captain	Grimsditch, T.
Ashley, Lord	Hale, R. B.
Bagge, W.	Hodgson, R.
Broadley, H.	Houstoun, G.
Bruges, W. H. L.	Jackson, Mr. Serjeant
Cole, Lord Visct.	James, Sir W. C.
Courtenay, P.	Lincoln, Earl of
Darby, G.	Mackenzie, T.
De Horsey, S. H.	Mathew, G. B.
Duffield, T.	Maunsell, T. P.
Du Pre, G.	Miles, P. W. S.
Estcourt, T. (Oxf. Un.)	Pakington, J. S.

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Palmer, G.	Yorke, Hon. E. T.
Perceval, Colonel	
Plumptre, J. P.	*Tellers.*
Round, J.	Dungannon, Ld. Visct.
Sheppard, T.	Inglis, Sir R. H.

Main question put, and agreed to; Bill read a third time, and passed.

PUBLIC BUSINESS.

MESSAGE FROM THE LORDS,

That they have agreed to — Perth Police Bill; Morville and Shipton Road Bill, without amendment: Great North of England Railway Bill; Liverpool and Manchester Extension Railway Bill, with amendments.

That they have passed a Bill, intituled, "An Act for authorising the granting of Leases of Part of the Estates in the County of Kent, devised by the Will of the Right Honourable Edward Earl of Darnley, deceased."

Also, a Bill, intituled, "An Act to authorise the granting of Mining and Building Leases, and Conveyances of Parts of the Estates devised by the Will of James Alexander Hodson, Esquire, deceased, subject to the Trusts of such Will."

Also, a Bill, intituled, "An Act for vesting the Estate called the Coombe Bank Estate, late belonging to the Right Honourable Arthur Lord Templemore, deceased, in Trustees, to sell the same, and to invest the Produce of such Sale for the Benefit of his infant Sons."

PUBLIC PETITIONS COMMITTEE.

Twenty-sixth Report brought up, and read; to lie on the table, and to be printed.

NEW MEMBER SWORN.

THOMAS BABINGTON MACAULAY, Esquire, for Edinburgh city.

MISCELLANEOUS PETITIONS.

The following petitions were severally presented, and ordered to lie on the table; namely, —

Church Establishment (*Canada*), — From Great Missenden, for extension.

Church of Scotland, — From Preston, for extension.

Prisons Bill, — From Exeter, against.

Education, — Against the proposed scheme, — from Iver; Wyrardisbury cum Langley; Royal Leamington Spa; Chobham; Mickleham; Marsworth; Brightling; Burwash; Shaftesbury; Cann St. Rumbold; Motcombe; and Cowbridge.

Postage, — For a low and uniform rate, — from Roxton; Shaftesbury; Sandy; Old Kent Road; Appledore; and Southmolton.

Provincial College (*Ireland*), — From Cork, against the establishment thereof in the southern province of Ireland.

Education (*Ireland*), — From Tarmonbarry, against the present system.

PAPERS.

The following copies were severally presented, and ordered to lie on the table, and to be printed; namely, —

Education. — Copy of Order in Council appointing a Committee of Council to superintend the Application of Sums voted by Parliament (Address 30th of April).

Jamaica. — Copies of Acts passed by the Legislature of the Island of Jamaica, 35 Car. II. c. 11.; 32 Geo. III. c. 11.; 55 Geo. III. c. 19.; and 5 Will. IV. c. 2. (by command).

Canada. — Copies or extracts relative to the affairs of Canada (by command).

Crown Teinds (*Scotland*). — On the motion of Mr. WALLACE, Address for —

Return showing the proceedings which have been taken by the Commissioners of her Majesty's Woods and Forests, in order to make the Crown teinds in Scotland available for the public service.

Disturbed Districts. — On the motion of Mr. ESTCOURT, Address for —

Copies of the letter of Lord John Russell to the lords lieutenants of certain counties, suggesting the formation of associations for the protection of life and property:

Of the letter from Lord John Russell to the magistrates in sessions, and to mayors of boroughs in certain counties, directing them how to proceed for the preservation of the peace in disturbed districts:

Of a letter from Lord John Russell to Lord Viscount Clive, thanking his Lordship and the Shropshire and Montgomeryshire corps of yeomanry for their services in restoring tranquillity in Montgomeryshire.

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PRINTED PAPERS COMMITTEE.

LORD VISCOUNT MAHON added to the committee.

PRISONS (SCOTLAND) BILL.

Committee deferred till to-morrow.

LORD CHANCELLOR (IRELAND).

Mr. O'CONNELL. — I give notice, Sir, that on Tuesday, the 11th of June, I shall move for leave to bring in a Bill to enable Roman Catholics to hold the office of Lord Chancellor, and certain offices in the ecclesiastical courts, in Ireland.

CORRESPONDENCE UPON MINISTERIAL ARRANGEMENTS.

Mr. WAKLEY. — I am anxious to know from the Noble Lord the Secretary for the Home Department, and from the Right Honourable Baronet the Member for Tamworth, whether either of them will offer any opposition to a motion for an Address to the Crown, praying that her Majesty will be graciously pleased to direct that a copy of the correspondence which passed between her Majesty and the Right Honourable Baronet, Sir Robert Peel, relative to the arrangements which were made, or which were to have been made, for the formation of a new Administration, be laid on the table of this House?

LORD JOHN RUSSELL. — I shall certainly oppose any such motion.

Mr. WAKLEY. — Then, Sir, I give notice that on Tuesday, the 11th of June, I shall move that an humble Address be presented to her Majesty, for a copy of the correspondence which passed between her Majesty and the Right Honourable Baronet the Member for Tamworth, relative to certain Ministerial arrangements; and which correspondence was, with her Majesty's permission, read to the House by the Right Honourable Member for Tamworth, on the 14th day of May last.

ECCLESIASTICAL COURTS BILL.

LORD VISCOUNT DUNGANNON. — I beg to know at what period of the Session the Noble Lord expects to have it in his power to proceed with the Ecclesiastical Courts Bill?

LORD JOHN RUSSELL. — It is appointed for the 17th instant; but as there are many other important measures before the House, which will necessarily claim a priority of consideration, I doubt whether it will be in my power to bring forward the Ecclesiastical Courts Bill on that day.

CANADA.

LORD VISCOUNT MAHON. — The Noble Lord has appointed Thursday next for the further consideration of the resolutions relating to Canada. I understood that he had previously fixed the Copyright Bill for that day, and had given an assurance that it should be taken the first thing.

LORD JOHN RUSSELL. — I certainly appointed the Copyright Bill for that day. At the same time, I think the House will feel that the question of the Canadas is one of much greater importance, and ought to have priority. I may take this opportunity of stating, that it is my intention, if both the resolutions I have proposed with respect to Canada shall be agreed to, to bring in a Bill founded upon each of them. There will thus be two measures. With regard to that which will be founded upon the first resolution, and which relates to the union of the two provinces,—I shall not propose to carry it further, this Session, than the second reading; but the Bill founded upon the second resolution, I certainly hope to pass into a law with as little delay as possible.

LORD VISCOUNT MAHON. — I hope the Noble Lord will make some such arrangement with the Honourable and Learned Member for Reading (Mr. Serjeant Talfourd) as will admit of the Copyright Bill being brought forward on an early day.

ROMAN CATHOLIC BISHOPS.

SIR R. INGLIS. — I wish to put a question to the Noble Lord upon a subject which I consider of some importance. The House is aware that a requisition to convene a meeting to address her Majesty was recently presented to the high sheriff of the county of Mayo, the first name to which is that of the lord lieutenant of the county. The next, as reported in the *Freeman's Journal*, is a "John, Arch-

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bishop of Tuam." I will take no notice of the third signature, and will give no opinion upon it; but I wish to ask whether the Noble Lord has instructed the Attorney General for Ireland to take any proceedings — in consequence of the assumption, by this person, of that title — in reference to the clause in the Roman Catholic Relief Bill, which prohibits Roman Catholic prelates from assuming the titles of Protestant dignitaries?

LORD JOHN RUSSELL. — I have not seen the requisition to which the Honourable Baronet has alluded; nor have the Government given any directions to the Attorney General, or communicated with the Lord Lieutenant of Ireland on the subject; and, unless there be an absolute necessity for so doing, it is not my intention to take any steps in reference to it. On one occasion, when an application was made to me on behalf of Dr. M'Hale, who was described under the title of Archbishop of Tuam, asking that a certain petition should be laid before his late Majesty, I immediately replied, that I could not present the petition to his Majesty, as it represented the individual in question under a name to which by law he was not entitled. If the subject should ever come before me, officially, I shall entirely deny that Dr. M'Hale has any right to assume that title; but I cannot agree in the propriety or expediency of instituting prosecutions on such a subject.

Mr. O'CONNELL. — I do not know whether the Noble Lord is aware that there is no such clause in the Roman Catholic Relief Act as that stated by the Honourable Baronet. The clause prohibits others from giving to Roman Catholic bishops and archbishops the titles borne by Protestant prelates; but it does not prevent Roman Catholic prelates from taking them, themselves.

[Laughter.]

LORD JOHN RUSSELL. — In the case to which I have alluded, the title was given by another, and not assumed by Dr. M'Hale; and on that ground I declined to present the petition.

Mr. O'CONNELL. — There is no such Protestant dignitary as the "Archbishop of Tuam," at the present time. There is a Bishop of Tuam, but no archbishop.

SIR R. INGLIS. — After the confident manner in which the Honourable and Learned Member for Dublin had declared the law on this question, I was unwilling to put my opinion against that of the Honourable and Learned Member, who, I understand, is learned in the law on these matters, until I should have consulted the Act itself. That Act I have now in my hand, and here it appears that I was right, and that the Honourable and Learned Member was wrong. The clause of the Act to which I alluded is in these words: — "Be it therefore enacted, that if any person, after the commencement of this Act, other than the person thereunto authorised by law, shall assume or use the name, style, or title of archbishop of any province, bishop of any bishoprick, or dean of any deanery, in England or Ireland, he shall for every such offence forfeit and pay the sum of 100*l.*"

[Cheers.]

Now, it is clear that this reverend person was not "thereunto authorised by law," in the assumption of the style and title of "Archbishop of Tuam."

Mr. O'CONNELL. — I admit that I was wrong, and that the Honourable Baronet was right.

[Cries of "Oh, oh, oh!"]

The law is the reverse of what I conceived it to be; it is, that the Catholic clergyman must not assume the title or style of a Protestant bishop, though the law does not prevent any person from giving it to him and addressing him by such title.

[Laughter.]

But there is now no such Protestant title as Archbishop of Tuam.

ELECTION PETITIONS TRIAL BILL.

On the Order of the Day for going into committee on this Bill being read, —

SIR E. SUGDEN said: — Sir, as this is a subject of great importance, and one on which I have not had, before the present time, an opportunity to express my opinion, I beg leave to offer a few words to the attention of the House. In my opinion, the Bill reflects great credit on the ability and industry of my Right Honourable Friend, and will materially raise the proceedings of this House in the estimation of the country. In the first place, I entirely agree with the principle

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recognised in the Bill, — namely, that this House shall not relinquish its jurisdiction in matters of this kind. The House will perceive that this is a most important point. We have shown ourselves perfectly willing to place ourselves under such restrictions as may satisfy the country that we are anxious for a just tribunal. Now, the great question is, How are we to furnish such a tribunal? I think the plan of my Right Honourable Friend — that of having a select committee — is an excellent plan. I believe that a great number of the evils under the old Act arose from the excitement attending petition ballots. Another evil consisted in the circumstance of a Member, conscientiously determined on doing justice, being occasionally obliged to vote against the wishes of his party. This obligation caused a great deal of unpleasant feeling. I think my Right Honourable Friend's plan is as well calculated to obviate those evils as any that could be suggested; because, under it, all excitement will be avoided. Sir, as regards the working of the plan, I think there is no doubt it will work efficiently, — that the Members chosen will do their duty; — but, on the other hand, I am afraid that duty will be found disagreeable. For example: the active Members on each side will soon become known, and lists will be drawn by each party. There is another difficulty; which is, that the general committee cannot select the special committee without knowing all the circumstances connected with every Member of this House: this will lead, perhaps, to invidious inquiries. There will be a difficulty, too, in choosing the seventh Member, as that post will always be a matter for competition. Now, the principal object I have in making these observations is, to consider whether or not we could, beneficially, go beyond the plan of my Right Honourable Friend. I have already stated that I am strongly opposed to any relinquishment of our jurisdiction; but I am afraid that, to make it effective, we must go beyond the present Bill. We all know that there are questions of law constantly arising, in which gentlemen are so embarrassed by the legal arguments on both sides, that they are incapable of coming to any sound conclusion on them; but, being aware of the bias of their party, they give the benefit of their doubts that way. There was one instance of this in the select committee by which Mr. Wilberforce was unseated for want of qualification. Several members of that committee asked my opinion as to the qualification, but I declined giving it while the investigation lasted; though, when the question was decided, I looked into the titles, — and my decided opinion is, that a better qualification could not exist. In saying this, I make no impeachment against the fairness of that committee; I merely mention the fact, to show the consequences arising from deficient legal knowledge in those committees. One Gentleman confessed, in the former debate, that so much was he perplexed in a certain petition case, that he actually made out an A. B. case, and submitted it to counsel. Now, I would ask the House, could anything be more dangerous than this course? If such a precedent were once established, a Member not inclined to act fairly could go on applying to lawyers until he got a favourable opinion, and then might attempt to influence the decision of the committee by means of that opinion. As to the suggestion of the Honourable and Learned Gentleman opposite, — that the question should be sent to a judge and jury, — I fear that public opinion is so strongly against mixing up the judges with political questions, that that plan would decidedly fail. On the whole, I think the present plan will be attended with great good, and I shall therefore vote for its going at once into committee.

The House then resolved itself into a committee.

Clauses 1. to 21. agreed to.

Clause 22. Referring to the appointment, by the Speaker, of the general committee to select the sub-committee to try election petitions.

On this clause being proposed, —

LORD VISCOUNT MAHON said: — Sir, we have now come to the clause which gives to the Speaker power to appoint a general Committee of Selection; and I entertain considerable doubt as to the practical working of this clause. The committee to try petitions is to consist of seven members, to be chosen by the general committee to be nominated by the Speaker. Now, this committee will have a very great difficulty in selecting the second committee. I do not understand in what manner the seventh member of the sub-committee can possibly be selected so as to constitute it an impartial tribunal. It is notorious that there are but few Members in this House who are not attached to one or the other of the two great political parties into which the House is divided. It is also known that a strong opinion exists on the part of the Members of these two great political sec-

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tions on the subject of opening the Irish registry. One party is in favour of opening the registry, while the other is opposed to it. Now, if that question were to arise in the committee, I do not know in what way the seventh member could be so chosen as to secure an impartial decision upon it. The opinions of the few Members who may be regarded as unconnected with either of the two great parties on the question of opening the registry will soon become known; therefore the hope of selecting one of that class to constitute the seventh member, with a view to form an impartial tribunal, cannot long be entertained. I ask, again, how is this point to be met? When I asked the question out of the House, I was told it would be necessary to effect a change in the Irish law of registration. To be sure, nothing could be more desirable than that! But there is little sign of any such change; and we must deal with facts as we meet them. This has always appeared to me to be a great practical objection on the face of the Bill. The principle of selection involves the certainty that the seventh member must give a predominance to one political party or the other. You may say, "Give the seventh member one time to one party, and the next to another; and that then, on the whole, justice would be administered." But this kind of justice would not satisfy the parties concerned. Therefore, while I consider the twenty-one preceding clauses to have been most ingeniously and correctly devised, I have ventured, before the question is put, to suggest the doubts I entertain as to the practical working of this clause.

SIR R. PEEL. — Sir, I will endeavour to give a satisfactory answer to the objection of my Noble Friend. In the first place, I take it for granted that the jurisdiction is to remain in the House of Commons. If my Noble Friend urged his argument for the purpose of showing that that jurisdiction ought to be transferred to another tribunal, that would be an entirely different question; but I have a right to assume that the intention of the House is, that the jurisdiction shall remain with them. Then, the objection of my Noble Friend proceeded upon the assumption that the House is divided into two great parties, one decidedly in favour of opening the registry, and the other as decidedly opposed to it. Now, I deny that assumption. I, for one, have never given an opinion upon that subject; and I believe there are a great many other Members who have not done so. I do not believe that, however forcible the arguments which may be addressed to the House on one side or the other of that question, Members are so determined to maintain their own opinions as not to allow adverse arguments to have any weight in coming to a decision. I do not believe that Honourable Members are so wedded to their political opinions as to afford no chance of justice being done to the parties whose case might rest on those arguments. And yet this is necessary to be assumed,— in order to support my Noble Friend's arguments. My Noble Friend would leave the appointment of the special committee of seven Members to chance. How would he better the case by that? There would still be an odd Member! Now, according to the hypothesis of my Noble Friend, every Member would vote according to his party bias, and not according to argument. But is not that the case at present? On one occasion, the committee is in favour of opening the registry, and on another, it is against it; so that, although, in the general result, a sort of "wild justice" is done, yet no justice is done in any individual case. But if it should happen that there are a number of Members not committed upon this particular question of opening the registry, — and I believe there are more than fifty who are perfectly willing to attend to the arguments that may be urged on the subject, and who would not decide upon mere party motives; — then, what I contend for is, that the selection would afford a greater probability of justice being done, than the leaving the appointment of the seven Members to chance. If so, and if the jurisdiction is to remain in the House, though the remedy I propose may be imperfect, still it is better than the present state of the law. But it is the duty of Parliament to settle the question of opening or not opening the registry.

[Cries of "Hear, hear, hear!"]

My Noble Friend took one single point, on which he urged an objection, namely, the manner in which parties, in this House, are divided; and then charged that defect, not on the party which ought properly to bear it, but on the tribunal itself. Why can we not so far disarm ourselves of party feeling, as to address ourselves to the question, and determine whether the Irish registration should be opened, or not? In the first place, then, I deny my Noble Friend's assumption that the parties are completely divided upon that question. I deny it for myself, and for a hundred other

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Members, — all of whom, I am confident, would decide by argument, and not by party feeling. My second answer to my Noble Friend's argument is, granting his hypothesis to be correct, "that parties are equally divided upon the question," that selection is better than chance; and in the third place, I would say, that it is the duty of Parliament to settle the question; and if it neglect that duty, that is no reason why the House should not make the best provision possible to meet the difficulty.

Mr. VERNON SMITH. — Sir, I perfectly agree with the opinion expressed by my Noble Friend. The Right Honourable Baronet would contend that the example mentioned by my Noble Friend is the only case in which party feeling could interfere. But there are many others I could mention: there is, for instance, the case of trustees of dissenting chapels, which is fast becoming a party question. I do not think the Right Honourable Baronet has met the difficulty suggested by the Noble Lord; nor made out a case to justify the House in adopting the measure. The Right Honourable Baronet contends that selection is better than chance. If the selection of the seven Members who are to form the particular committee were impartially made, it might be a better mode than to leave their appointment to chance; but I could point out to the House cases where selection would be much worse than chance. The Right Honourable Baronet has not shown us how the selection is to be settled when he comes to appoint the seventh Member. Can he say that, while there should be three Members of one set of opinions, and three of another, yet the seventh would be a Member who would act with perfect impartiality as an arbitrator? If not, then the Right Honourable Baronet cannot maintain that the principle of selection is better than that of chance. This Bill has not been brought forward in accordance with the views of any previous committee of inquiry. On the contrary, it is actually in the face of the committee which was conducted by the Honourable and Learned Member for Liskeard (Mr. C. Buller). The House has nothing but the Right Honourable Gentleman's own showing to justify our adoption of the measure. I have no objection to the selection of the general committee of six Members by the Speaker; but then his appointment ought to be imperative upon the Members, and not optional. But the Right Honourable Gentleman, by this 22d clause, requires two things; — namely, the willingness of the Members to serve, and that the list of the Members nominated should be open to the disapproval of the House during the next three days. Why should not the appointment be imperative?

Mr. O'CONNELL. — Sir, the objection of the Noble Lord certainly does apply to the principle, although he illustrates his meaning by comparing the details. The Noble Lord's objection, on the ground of party feeling biassing the decisions of election committees, is borne out in many instances. Political feeling has created a difference of decision upon the question of opening the registry; also, as to the value of the franchise. The assistant barristers selected in Tory times are of opinion that 10*l.* clear value means 10*l.* paid by a solvent tenant; whereas the assistant barristers, appointed latterly, hold a different opinion. Thus a question, strictly one of law, is regulated by the party bias of the individual! And even judges have not escaped the imputation; for there are some who hold one opinion, and some another, on this question of value. The Right Honourable Baronet has asked, why should not the Legislature decide whether the registry should be opened, or not? Is there the least chance of our obtaining such a decision? Everybody knows that if any Bill were to go to the House of Lords upon the subject, they would introduce a clause for opening the registry, while the Commons would be for closing it. We must, then, take the law as we find it. The Right Honourable Baronet has said that selection is better than chance. It is, however, contrary to the practice with regard to other tribunals. In trials by jury the tribunal is appointed by chance. Selection was the original mode; but that has been abandoned, and chance adopted in its place. The great mischief in this House arises from men deciding, upon oath, questions upon which they are influenced by party feeling. It is a great evil that persons of the rank and station in life of those who compose this House should be led to decide in that manner. To reserve the decision of election questions exclusively to this House, may, perhaps, be justified on general and constitutional principles; but it has manifestly a most unhappy result. There is this to be said for appointments by chance instead of selection: a person who is defeated by chance is certainly not so much irritated as if he were defeated by selection. I do not, therefore, think there will be any improvement in resorting to selection instead of chance. I have another objection to urge, on which, although I do not

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intend to offer any vexatious opposition to the Bill, I shall certainly take the sense of the House. I think the mode proposed to select the particular committee for trying election cases would do away with all responsibility. I would prefer — if seven Members are to be selected at all for the trial of petitions — that the Speaker should have the responsibility of appointing them. It is a mere nominal responsibility to appoint the six Members who are to constitute the general committee, because those six persons will have to try nothing. If they, who form that general committee, do not act egregiously wrong in the selection of the particular committee of seven, public opinion will not affect them; nor, as the case stands, will public opinion affect the Speaker, because the general committee of six must stand between him and the particular committee of seven. Responsibility is, in fact, annihilated by multiplying the number of those who are to share it. Upon this ground, also, as well as because I concur in the able argument of the Noble Lord (Lord Mahon) upon the other point, — namely, party bias, — I shall take the sense of the House upon this clause.

LORD VISCOUNT HOWICK. — Sir, I certainly concur in the argument urged by the Noble Lord and the Honourable and Learned Member, against the principle of giving to the general committee the power of selecting the particular committees; and I think the answer of the Right Honourable Baronet to that argument a most insufficient one. At the same time, I cannot concur in the objection to the clause now before the committee, which has no reference to the power of selection; that being given by a subsequent clause. I think the present clause, in so far as it refers to the appointment of a general committee by the Speaker, a most useful one. I am anxious that such a committee should be appointed; and I think that the functions pointed out in the twenty-one preceding clauses could be very well discharged by such a committee. I allude, particularly, to the division of the House into panels. But I would suggest that, instead of the general committee selecting the particular committee, they should ballot (without requiring the presence of the Members) for those who are to constitute that particular committee; and I would also propose that, after balloting a list of seven, they should ballot a supplementary list of seven other Members, which latter list should be kept sealed up, and only opened in the event of any one or more Member or Members of the first list being objected to, and the objection being declared good. In that case, the name objected to should be struck off the list, and the first name on the supplemental list be substituted for it. With respect to the questions of law that might arise, I think the only mode of escaping from the inconvenience of the existing system would be, to adopt the proposition made a few years ago by the committee conducted by the Honourable and Learned Member for Liskeard; that of appointing assessors learned in the law. Those assessors would soon authoritatively settle all disputed questions; and then the Members of the House, with the assistance of such assessors, would be perfectly qualified to dispose of the cases that might be brought before them. Here, there is not only a question of opening the register, or a question of beneficial interest; but there are many other questions, — all of which, however, resolve themselves into questions as to the construction of the Act, so as to enlarge or contract the franchise. It may be very easy for the selected committee to discharge some duties; but if the duty were imposed upon them of selecting the trial committee, which would give away the seat to one party or the other, the House would so ruin their character that neither the one side of the House nor the other would place any confidence in their decisions. But these are not the only objections. I object to the arbitrary power of appointing the Gentlemen to serve upon the election committees. We all know that it is a disagreeable duty; but all are willing to take their chance of being called upon to perform it, — though they would object to being called upon imperatively, and at whatsoever inconvenience, by other Members, to undergo this onerous and painful restraint: or if we give this tyrannical power, we shall enable the committee to press into service, on long and difficult cases, any Gentlemen that they think ought to serve; and if excuses are to be listened to, what endless irregularities and jobbing will be produced! Are we to throw extra duties upon those Members of the House who are conversant with the laws? If so, they would be subject to render services which could not fairly be required of them; and if these calls are not to be made, then the House is not in a situation to dispense with the appointment of assessors. Indeed, the whole question is, whether we ought not to adopt the suggestion of the committee on the proposal of my Learned Friend the Member for Liskeard, and appoint permanent assessors? I, for one, am decidedly favourable to such a course.

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SIR ROBERT PEEL. — Sir, I think my better way will be to answer questions as they arise; otherwise I shall forget them. There have been two speeches made on that side of the House; and I shall begin with that of the Honourable Member for Nottingham (Mr. V. Smith). He asked why I did not give the Speaker the power to insist upon Members serving on these committees? Now, we do not find any deficiency of Members, undertaking the voluntary duties of the House; —there is no difficulty in finding Members to serve on the committee on private business, or on the Standing Orders Committee, or on others having difficult duties to discharge. What induces individuals, now, to discharge these extra duties? The desire of forwarding the public service, and the anxiety for distinction. Nay, what has recommended the Right Honourable Gentleman (Mr. Lefevre) to the chair of this House, but the exemplary manner in which he had assisted in conducting the private business of the House?

[Cries of "Hear, hear!"]

Depend upon it, that if you place confidence in this election committee, you will have its duties discharged without party feeling; and sure I am that six Members of the House in whom implicit confidence can be placed may be found. If you fail, you can then impose the obligation; but, in the first place, try the principle which has hitherto induced Members to serve on committees equally troublesome. The Honourable Member for Nottingham also objects, that leaving the names of Members on the table for approbation will appear invidious. To this I answer, if the House be satisfied with the choice of the Speaker, so am I; although I opposed his election, I am as willing to abide by his decision, as if my Right Honourable Friend (Mr. Goulburn) now filled the chair.

[Cries of "Hear, hear, hear!"]

Now I come to the Honourable and Learned Member (Mr. O'Connell), who is opposed to the principle of the Bill, and does not seem to be able to forget that he wished to remove the jurisdiction from this House. That may be a fair proposition to be discussed on the third reading; but now that we are in committee, I only ask you to proceed to the consideration of the clauses, as if the jurisdiction is to be continued in the House. The Honourable and Learned Gentleman has said that twenty-three committees have tried the question as to opening the register, and that all of these decided the question according to their party bias. This is a confirmation of the view of the Noble Lord. And if such be the case, can there be a stronger condemnation of the evils of selection by chance? If what the Honourable Gentleman said be true, that twenty-three committees were selected by chance, yet that each of them decided according to the preponderance of party feeling, can anything more strongly condemn the present system? I will venture to say that, with my system of selection, you will not have twenty-three committees so deciding. What, then, does the Honourable and Learned Gentleman say to induce the House to let the jurisdiction go out of it? Why, that there is another question — a question of value; and that the revising barristers of long standing decide one way, and that the barristers of more recent appointment decide another. This shows that party influence sways others who are not in this House, as well as those within it. The Honourable and Learned Gentleman tells us that so predominant is party feeling, that the barristers decide the same question different ways. But if it be true that the old barristers decide one way, and the new barristers another, — and that the barristers appointed by one Administration decide one way, and barristers appointed by another Administration decide the other, — is not that a conclusive reason why the House should pause, before it parts with its jurisdiction? If we allow this, — if we deprive ourselves of our legitimate privileges, — the sooner we shut that door the better.

[Cries of "Hear, hear!"]

Then the Noble Lord opposes all chance; and I am asked why I do not allow the Speaker to name the particular committee as well as the permanent Committee of Selection? I answer, because, if the Speaker were to name the particular committee, he would be brought too much into immediate contact with our party discussions. I think, however, that the Speaker would make a fair selection of the six, and that then he should be relieved from further responsibility. I wish, and believe, that the Speaker would choose three Members from each side of the House; they might not be thought by Members on either side quite so eligible as if all had been chosen from their own party; but they would be generally admitted to be capable; and I think that it would not be fair to throw upon the Speaker the immediate responsibility of

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selection. Then the Noble Lord would permit a choice of Members, partly by chance and partly by selection. He is not adverse to the selection of the first committee; but he wishes to divide the House into panels, and to make use of the ballot. But how would any good be effected by this? And how would the parties know how to object to the first seven drawn, if they did not know that those who would supply their places were less objectionable? And is there to be given a power of objection from party or personal interest? If so, the challenge would be almost useless.

LORD HOWICK. — I would only permit of challenge on cause shown.

SIR ROBERT PEEL. — But the last point touched upon by the Noble Lord is the most important; — I allude to the appointment of assessors. That is a grave question. I think it might well form a question under the Registration Bill, whether, if we are determined to have a court of appeal, we would employ the judges as assessors on election committees? But, as the Noble Lord has now brought forward the question of the appointment of assessors, I must say that I entertain the strongest doubts upon the subject. If a permanent body of assessors should be attached to the committees of the House, they will have most important duties to perform in one Session out of five or six, but will have no onerous duties to discharge in the others; and the result then will be, that the House, discovering that able men are labouring only one year out of five, will say, "Let us find for them some other duties;" and the House, as a consequence, would lose credit with the country; for it is already thought that there is a disposition in the Members of the House to shrink from the discharge of important legislative duties not connected with party. I do not speak of one side or of the other; the evil may arise from the balanced state of parties;—but when questions the most important are under consideration, — such as relate to the criminal law, or to the regulations of prisons, — Members ask, "Is there to be a division upon this?" and if they are answered in the negative, — though the question may involve interests the most important in a financial, jurisprudential, or commercial point of view, — Honourable Gentlemen are very careless in the discharge of their duties. And with this feeling existing, if we appoint these assessors, it will be said, Why not refer the private business to them? — why not give them all Bills to look over, instead of passing them through a committee of the whole House? — and so on, till we resolve ourselves into a mere political debating society, losing our hold upon the confidence of the country, which would think we were unwilling to enter upon our legislative duties. I am sure that if Honourable Members would apply themselves to the subject, they would be able to understand questions of election law. I, for one, though I have every respect for the bar, do not look upon a wig or gown with any degree of reverence; and I think that a plain country gentleman, without making any mystery of it, can find the meaning of an Act of Parliament well enough. If you turn your minds deliberately to the consideration of the election law, you will be able to do this; but if there were assessors appointed, they would never do it; for you would say, — "We are but jurors; the assessors will direct us; to find out the law is a tedious duty, and we need not do that which we have paid a man to do for us." In fact, if there were assessors, there would soon be found other duties for them to perform. The Learned Gentleman (Mr. Buller) has said, that ninety-nine out of every hundred gentlemen qualified to act as chairmen at quarter sessions would be competent to decide on points of election law; and I see no reason why the decision of them should not be left with those who are admitted to be competent. I recollect when young Members applied themselves to the conduct of public business, and qualified themselves for distinction, less by speeches on the debates than by attention to the committees; and I believe, that if the Members of the House do not presently discharge this more urgent duty, they will paralyse the House, injure its character with the public, and prevent the younger Members from qualifying themselves for higher duties afterwards.

Mr. C. BULLER. — Sir, as the Right Honourable Baronet has gone at some length into the question of the appointment of assessors, it may be necessary that I should answer one or two of the arguments advanced.

I concur in much that has fallen from the Right Honourable Baronet, with regard to the indisposition of the younger Members of this House to do the work which they ought to do; and also, with the Right Honourable Baronet's want of reverence for lawyers. I think that a country gentleman, or chairman of quarter sessions, might be perfectly competent to judge of such questions as those which would be referred to the tribunal proposed to be established; but

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then he must apply himself to the subject; and even then, a man, coming only once in his lifetime to the consideration of such cases, could not be so well qualified as a man whose every-day habit it was to deal with such matters. It is not the wig and gown that make the judge, but the habits of judicial thought and decision. It is not so much legal knowledge that is wanted, as a permanent judicial character. I do not desire to see Members taken to-day to serve on a committee, and be turned adrift the next day to make room for another, composed of men of equal merit and competency, perhaps, but who, like their predecessors, never have had their minds directed to the subject before. That is a system which I do not wish to see continued. If we were to turn to men who are not Members of this House, should we not, according to usual practice, turn to those who are in the profession of the law? Should we select officers of the army and navy, however clever they might be, for this business? Surely, then, it would be better to take men, who are to act as judges, from the ranks of barristers than from any other class of men. I wish to see the assessor established as the permanent chairman of the committee. Under the proposed system a committee on one day would be summoned to decide on certain points of law; they would get their minds a little sharpened to legal practice; they would become acquainted, to a certain extent, with the law of evidence and of election, and with the manner of managing judicial business; but then, on the next day, these very men would be turned adrift, and no advantage would be derived from the knowledge so acquired by them,—another committee being appointed to do the same business. Thus there would be no permanency or uniformity. Now I am not underrating the value of either intelligence or honesty; but intelligent and honest men, experience has proved, are constantly contradicting each other's decisions. Intelligence and honesty, alone, can furnish no security for permanence and uniformity of decision; on the contrary, the most singular crotchets and palpable contradictions might emanate from very honest and intelligent men, in the absence of a knowledge of the law. A legal friend of mine, the other day, rather irreverently said, that the intolerable length of the proceedings of the committees arose from their ignorance of election law, and that he had to explain the law over and over, to one committee on one day; and the next day he went before another committee, when he was compelled to beat it, in the same way, into their heads. Such would be the case under the proposed plan.

SIR R. PEEL.—By chance.

Mr. C. BULLER.—By chance? Why, if the same committee were not kept together, each succeeding one would have to learn the election law. Everybody in this country does not make a study of the law of election; and I will venture to say that very few men in this House have done so. The lawyers, therefore, would still have to teach the committees what the law of election really is. For that reason I want to see a permanent assessor appointed, and received as the chairman and authority of each successive committee on all common points of law. As to our not thus obtaining credit with the country, for the manner of attending to the business, I think that danger would not be averted by having shifting committees and fluctuating tribunals; for they would never discharge the duty satisfactorily, and the same complaints would still be made. Sir, the Right Honourable Baronet thinks, if these assessors were appointed, the House would shift off a great many duties from its own shoulders to theirs. But there are many duties which nobody discharges at present, that it would be as well to have some persons to attend to. For instance, might not these assessors be employed to see whether the draughts of various Private Bills are consonant with the existing laws, before they are presented to the House? There are 658 gentlemen in this House, who feel that it is equally the duty of all of them to attend to such matter;—and for that very reason it is not attended to. If these assessors were appointed, and should have time on their hands, and abilities unemployed, I do not see why they should be suffered to waste their time and energies, if they could be made useful to the House and the country, for fear that but little business would be left for the Members of this House to do. I regret, with the Right Honourable Baronet, that there should be any ground for complaining of inattention to the general business of the House; and I am of opinion that, putting aside all reference to party feelings, there is quite enough to occupy the Members of this House, both old and young, if they chose for a while to look above party considerations,—without calling on them to devote themselves to such matters as these, which I think are perfectly extraneous and foreign to the proper duties of

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a Member of Parliament. The objections to the appointment of assessors are various, indeed: some wish them to be Members of the House; and others, that they should not be so: some are for having them appointed by the Speaker,—a proposition which is strongly opposed by others. I can only say, that so long as some plan is adopted which will give something like permanency and competency to these tribunals, I care not by what precise means the principle is carried out.

The SOLICITOR GENERAL. — Sir, with regard to the suggestion which has been thrown out by the Honourable and Learned Gentleman who has just sat down, I will say that, although it is perfectly true that the assessors, having nothing to do after the first Session of a new Parliament, might then be employed in other business; yet, that would be the very way to divest them of their judicial character. I very much doubt that the judgment of such an assessor would have that weight which the Honourable and Learned Member seems to think it would have. What influence, for instance, could a gentleman, quitting the ordinary course of law, and taking the office of assessor for one year, only, out of a *rota*, have upon the mind of such a man as my Honourable and Learned Friend the Member for Exeter? There is another reason why I shall object to assessors; and that is, because it is much easier to introduce them than to get rid of them afterwards. Let us begin with the committees without the assessors; and hereafter, if we find that such a change is necessary, let assessors be introduced. With regard to "private business," I cannot help saying that it is a question for consideration whether that ought not to cease to be a legislative business altogether?

SIR ROBERT INGLIS. — My objections to the plan of appointing assessors are simply these; — they must have some authority, or they must not. If they are to have authority, they will interfere with the jurisdiction of the House; and if they are not, they will be a useless incumbrance to the proceedings of the committees. If it be proposed that they shall have any powers conferred upon them, I consider that such a course ought not to be adopted, because I think that the surrender of the jurisdiction of the House may very fairly be objected to. I do not concur, therefore, in the proposition for their appointment; and although I feel the difficulties pointed out by the Noble Lord in the plan of the Right Honourable Baronet, yet I think that no better plan has yet been devised, and that the House ought to give it a full and fair trial.

Mr. WARBURTON. — I, for one, desire the jurisdiction in these cases to be within the House. I agree and assent to the committees, composed as they would be by the Bill of the Right Honourable Baronet opposite, if the questions referred to them are to be of such a nature as will call for decisions on cases of alleged bribery — decisions as to the conduct or misconduct of returning officers: all these matters, and some others of a similar nature, are questions which properly may be referred to committees of a constitution like those proposed; and I believe that such committees, without any assessor, would decide fairly and properly. But I think that disputed questions, or decisions of revising barristers, ought to be taken to a distinct appellate court. At the same time, I agree with the Right Honourable Baronet opposite (Sir R. Peel), that if the assessor should decide hitherto undecided points of law in a way that might be disagreeable to the majority of the House, there can be no doubt but the House would take upon itself the decision of those doubtful points, and, by passing a law, would settle them according to its own views. The conclusion to which I come, therefore, is, that, if those two classes of cases — first, appeals from the revising barristers' courts, and, secondly, the decision of disputed points of law — were taken from the committees, the main objects for which assessors would be appointed would be removed. I therefore am perfectly willing to abstain, now, from any remarks of a general nature, and to assist the Right Honourable Baronet in making these as impartial and fair a tribunal as can be at present devised, reserving to myself the right of objecting to the Bill on the third reading.

SIR CHARLES GREY. — As far as the Bill of the Right Honourable Baronet, the Member for Tamworth, goes, it would certainly produce fairer and better tribunals than those before which, at present, the questions of controverted elections come; but it appears to me to fall very short of what it is desirable to attain; and though it might be a prudent course not to endeavour, at present, to obtain all that could be wished, still there are some urgent matters to which, in order to show the country that the House is taking the whole subject into its consideration, it would be wrong not to advert on the present occa-

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sion. Every person who has spoken has agreed in condemning the confusion which is caused by conflicting decisions on points of law in controverted election cases; but none has seemed to consider how entirely and voluntarily the House is, itself, the cause of the continuation of this state of things. By the present law, there are, for the purposes to which the Bill has reference, a number of tribunals, every one of which has co-ordinate power, and all of which are obliged to decide mixed questions of law and fact. Is it possible that there should be consistent decisions in such cases? Hence the first cause of complaint; and I beg to ask whether some means cannot be devised for separating questions of law and questions of fact, and for excusing these committees from pronouncing decisions upon the former? I agree in the opinion that there is not a Gentleman in this House who is not qualified, if he will take the trouble to acquaint himself with it, to give fair decisions on points of election law. But still the main cause of complaint — the principal defect in the present system — a defect which it is absolutely necessary to cure — is, the total want of one tribunal which is competent to pronounce final decisions. If the proposed general committee of elections should have the power of pronouncing something like a final decision, it would get rid of the evil of fluctuating decisions, and be the means of removing the dissatisfaction which at present pervades the public mind.

Mr. WYNN. — I certainly think, Sir, that no more inconvenient course could well have been adopted, than that, upon the single point, whether or not the Speaker should appoint the committee of selection, we should go into the whole principle of the Bill; yet I must admit that nothing appears to me to be more natural than that, connected as the different parts of the Bill are together, Honourable Members should be drawn into arguments on those separate points, upon which their decision on prior provisions must depend. With respect to the particular clause before the committee, I am decidedly friendly to the manner in which it proposes to appoint election committees. I do not apprehend any of the difficulties which have been suggested; and I think that six Members of the House can appoint the seven who are to form the committees, much better than if such appointment were left with the Speaker. The question as to the composition of the court of appellate jurisdiction is one which will require a good deal of consideration. It might be judicious to appoint, for this purpose, a court somewhat similar to that which the judges hold on questions of taxing; the decisions of this court should be annually laid before Parliament; and, if any of their decisions should be found to be conflicting and inconvenient, they might be corrected and settled by legislative interference.

Mr. VILLIERS. — It is admitted, on all hands, that the plan proposed by the Right Honourable Baronet is a decided improvement on the existing system. It is also generally agreed that it would be most desirable to have an appellate court to decide questions disputed before the revising barristers, and which afterwards come, under the present system, before election committees of this House. I do not think there can be much difficulty in agreeing on the constitution of such a court. It would determine four fifths of the business usually brought before the election committees; and all that remains is, to decide upon its form and constitution.

LORD J. RUSSELL. — Sir, after listening attentively to the previous discussion, it appears to me to be desirable that these two remedial measures should be provided:—First, a great deal more certainty, than now exists, in the previous decisions with respect to the voter's claim to the franchise; and with this view we should have a tribunal (whether in the way of a court of appeal or otherwise), to decide upon the right of voting, with more uniformity, — and that should be a permanent tribunal. The other question is, as to what should be the constitution of the court to decide upon petitions presented to this House, complaining of an undue election. The course of the discussion has been to separate these two questions; and by separating them, a great deal of light is thrown on the question of assessors. My Honourable Friend the Member for Wolverhampton has just argued that, if we had a court by which these questions relating to the franchise were to be settled, much of the labour of election committees might be removed; and I think it probable that we might be enabled, under such an arrangement, to find a fitting tribunal within the limits of this House, to try the much more contracted questions which would then arise in contested elections. I was at first disposed to think it useful to have assessors; but I must own that, on considering the matter further, I see many objections to that plan; and I must object to the principle of decisions upon election petitions

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being made by any others than Members of this House. If we could decide the question in this way, we should have, in the first place, a permanent tribunal with respect to the rights of voting; and in the second place, an improved mode of trial. I do not see that it is necessary or proper that these two objects should be contained in one Bill, as in the Bill now before the House. I think that it would be better for the Honourable Member for Liskeard to take the clauses with respect to the court of appeal, and put them into a separate Bill. If there were such a Bill, I should vote against the principle that those professional persons whom it is proposed to nominate as assessors, should act as chairmen in election committees. I do not say that I should come finally to that decision; but, for the present, I would prefer trying the other mode, as being one which will not render it necessary to ask for the assistance of others than Members of this House. A difficulty has occurred to me with reference to the practical operation of the clause now before the House, and the clauses dependent on it. I refer to the general and the select committees. I think it would be very difficult to obtain a general committee which should, for any length of time, agree in the selection of a select committee. I can conceive, that if the House were divided into five panels, who had only to choose one select committee, a very good select committee might be chosen; but when there are a great many of such committees to be chosen, — as, for instance, at the commencement of a new Parliament, — it would, I think, very soon be found that differences of opinion would arise; that the six Members of such select committees would be very easily chosen, but that there would be some difficulty in choosing the seventh, because he must necessarily belong to some party or other; and so the appearance of impartiality would not be obtained. Now, it seems to me that a better plan might be adopted, — one which I will now suggest, though, as I have not yet consulted any one upon it, it may, no doubt, be open to many objections. I would suggest that there should be a division into panels, as proposed by the Right Honourable Baronet, and that they should choose six Members of the proposed select committee; but that the seventh, or chairman, should be chosen out of a separate list of forty or fifty Members previously selected for the purpose, and placed alphabetically on such list. The six Members having been duly chosen, I would propose that the first Member on the alphabetical list should, as a matter of course, be taken as chairman, — and so on with the next, and the next, until the whole list was exhausted; after which it should be recommenced. This plan, it appears to me, would insure the services of persons of experience to be chairmen of such committees; at the same time that all selection on the score of party would be avoided, inasmuch as the next name on the list, of whatever party the Member might be, would be that necessarily taken. I only throw this out for consideration; and, in the mean while, I would suggest to the Honourable Member for Liskeard to incorporate his plan of an appellate court in a separate Bill.

Mr. C. BULLER. — I am perfectly willing to adopt the suggestion of the Noble Lord. I have listened attentively to this discussion, and I confess that I have been a good deal staggered with reference to the expediency of appointing legal assessors. It must be borne in mind that, when I first proposed the appointment of assessors, the Honourable Member for Bridport had not suggested the adoption of the principle of an appellate court. Since that very valuable suggestion was made, however, the necessity for assessors has become very considerably diminished. The appointment of the appellate court would so materially diminish the duties of the election committees as to render the appointment of assessors less necessary. With regard to what has been thrown out by the Noble Lord, I am disposed to concur in it, with the exception that I think certain Members of this House might be fixed on as permanent chairmen of election committees. A certain number of Members might be selected as eligible for the office (without salary, of course), and they could select one of their own body to act as chairman in each particular case. Suppose six permanent chairmen were to be appointed with this power.

SIR ROBERT PEEL. — The proper time for discussing the question of the appointment of chairman will be, when we come to the clause relating to it. I have not the slightest objection to the principle of the appointment of a court of appeal from the decisions of the revising barristers. I have not the least wish to adhere to the details of my own plan, — feeling, as I do, that, after all, the real difficulty will consist in the appointment of the seventh member of the proposed committee. I am wholly unprejudiced and unprepossessed on the subject, and shall

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be happy to attend to any suggestion; but I think the fitting time for any such discussion is when we come to the proper clause.

LORD J. RUSSELL. — I have no objection to that course.

Mr. O'CONNELL. — I beg to suggest to the Honourable Member for Liskeard that he should endeavour so to arrange the introduction of his proposed Bill and its progress, that it might proceed *pari passu* with the present Bill, and the third reading of both come on at the same time. One circumstance I cannot help remarking,—that not a single word has been said, on either side of the House, in favour of the present system.

The clause was then withdrawn.

Mr. RICH and SIR CHARLES GREY severally withdrew amendments of which they had given notice.

Clauses 23. to 41. were then agreed to, with verbal amendments.

Clause 42.

On this clause being put, —

LORD JOHN RUSSELL said: — I will now propose the introduction of certain words in this clause which may open the discussion on the proposal I made a short time ago with a view to establish a permanent list of chairmen, to be placed alphabetically, and taken in rotation. It appears to me that that proposal has some very obvious advantages. In the first place, it provides against any interruption to the machinery of the Bill. So long as the number is seven, it is manifest there will be a difficulty as to the seventh man; and this difficulty, I apprehend, is done away with by having a list of chairmen to be taken in rotatory order. In the next place, you have a list of persons whose minds are directed to this particular subject, — the trial of election petitions, — without incurring the disadvantage, to which the Right Honourable Gentleman adverted, of having legal gentlemen not being Members of this House. I am not of opinion that they ought, necessarily, to be members of the bar, but they should be persons whose experience and knowledge of the subject qualify them for the situation. It is evident that there can be no security for the possession of those qualifications, if the selections are to be made from the 658 Members. But, according to my proposal, you would have a list of men who have studied the subject, and are competent to guide the committees. I submit to the House that it would be worth while to consider the propriety of inserting words in this clause to embody the proposal I have made.

SIR R. PEEL. — I have no objection to the Noble Lord's principle; but, before we enter into a discussion upon it, I think it would be necessary that we should understand more clearly what the practical details of it are to be. For instance, a good deal would depend on the extent of the committees. If we could not say what number of election committees would be required, the list of chairmen, as suggested by the Noble Lord, might be too numerous, or too few. If too few, the difficulty is obvious; and, if too numerous, the number of efficient Members to serve on those committees would be diminished.

Mr. C. BULLER. — I certainly feel disposed to support the principle of the Noble Lord's amendment; but, likewise, I am sensible of the difficulty suggested by the Right Honourable Baronet with regard to the number of chairmen.

Mr. KELLY. — It appears to me that the proposition of the Noble Lord would lead to a very valuable improvement in the Bill of my Right Honourable Friend, while it would obviate the objections that have been urged to the election of the seventh Member by the general committee. The difficulty with regard to the number of chairmen to be nominated does not appear to me very great. On the assembling of Parliament, after a general election for instance, the number of election petitions is very soon known to the House; and the general committee, if the discretion were left to them, could adapt the number of chairmen to the number of committees. But I regret the Noble Lord has not stated more fully the nature of his amendment.

Mr. WYNN. — I conceive the question is altogether too important to be thus incidentally discussed; and I beg to suggest that the Noble Lord's amendment should be embodied in a distinct clause.

SIR G. CLERK. — The only difference in the plan now proposed is, that the seventh member is elected beforehand. If we are to have a list of chairmen, I think that it should be named by a Committee of Selection.

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Mr. WARBURTON. — I am clearly of opinion that it would be best not to specify any particular number of chairmen, but rather to leave that to the general committee.

SIR E. R. SUGDEN. — Sir, it strikes me that it would be a great improvement upon the proposed plan, if, after the six members of committee were chosen as already settled, the general committee were to name a certain number of Gentlemen, from amongst whom the six would, by ballot, elect one who should then constitute the seventh member of the committee; thus the number would be complete. I do not press this proposition, but leave it merely for the consideration of my Right Honourable Friend. I think that its effect would be to obviate an objection with the least possible departure from the Bill as it stands.

LORD J. RUSSELL. — I agree that no definite opinion need be given as to the numbers to be chosen by the general committee. I consider that at a future stage of the measure it will be easy to frame a clause to effect the object which which I have in view.

The clause was then agreed to.

The remaining clauses of the Bill were then severally put, and agreed to, with verbal amendments.

SIR C. GREY. — Sir, I gave notice of my intention to move an additional clause; but a conversation which has taken place has cast a doubt on my mind whether I ought to bring it forward at this time. Certainly, I should like to know the feelings of those Honourable Members who took part in that discussion, before I decide upon doing so. I understand, from what has taken place to-night, that the House has determined to reserve to itself the power of deciding on all points relating to controverted elections. I find that much is expected from the proposed court of appeal from the decision of the revising barristers; and that this will remove from the election committees many of those matters upon which they are now called on to decide, and upon which such opposite and conflicting opinions are so frequently pronounced. But if this be the view of Honourable Members in agreeing to this measure, it appears to me to be somewhat inconsistent with the principle upon which the Bill proceeds, — namely, that the House has determined to retain the jurisdiction to itself, of deciding upon all matters relating to disputed elections of its own Members. My object is to get rid of the very great inconvenience we have experienced from the conflicting decisions upon points that arise before election committees. Now, to effect that object, it appears to me that the first thing to be done is, to constitute a tribunal, having an authority superior to the ordinary tribunals, whose duty it should be to reconcile these conflicting decisions, and to establish some uniform principle of practice. Whether the decision of this tribunal should be final or not, or whether there should be another tribunal — a committee of the House — to decide whether any matters that might be decided by them ought to be taken up, and such decisions considered by the House, is a point which I will not now offer an opinion upon; but, on first looking at this Bill, my wish was, that the general committee should be a tribunal of this nature. If the very weighty business which the Speaker has to deal with would allow him an opportunity of attending to such matters, his authority would be — I should say — the most preferable of any, to decide upon all points that might arise productive of these differences of opinion on the trial of controverted elections: but knowing that the large amount of business, which the Speaker of this House must at all times necessarily have to attend to, would not permit this principle to be acted on, I did think that a general committee of six Members, selected fairly from the House, would form a tribunal likely to carry with it the confidence of the House and of the public; while it would be, at the same time, a tribunal as fully competent to reconcile these conflicting points as any other. If it were thought necessary, the Speaker might be empowered to take notice of, and exercise a certain degree of control over, the acts of this tribunal. Such a tribunal being constituted, the first thing to be done would be to give to the parties opposing or defending a return, the power to submit those points of law likely to be brought before the committee for their decision, before entering upon those expensive proceedings. With that view, I proposed that the candidates should have the power of stating to the returning officer, at the time of the election, any objection — any disputed point of law, not of fact — which they might consider to affect their case; and that it should be the duty of the returning officer to transmit those points to the Speaker of the

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House, by whom they should be referred to the general committee; and that it should be their duty to consider and report upon those disputed points. This would be giving the parties to contested elections the same power which suitors have now in suits at law,—that is, of raising a point of law on a case upon which they are going to a jury. This is the plan I would suggest; and I do not perceive what inconvenience could arise from it. I believe it would very much facilitate the trial of controverted elections, and tend to diminish the expenses which are at present attendant upon them. I rest my proposition upon this ground,—that there ought to be a tribunal superior to the ordinary tribunals, to decide upon questions of law, and to prevent their being raised before the committees who have to try the merits of the election. Having made this statement, I am ready to bring up the clause, if agreeable to the committee; or, if it be preferred, I shall have no sort of objection to defer it for the present.

Clause 5. (postponed clause) agreed to, with some verbal amendments.

Mr. CHARLES BULLER.—I am unwilling to press the introduction of the clauses of which I have given notice, if, by doing so, any delay or difficulty would be produced with regard to the progress of the Bill of the Right Honourable Baronet. I am ready, therefore, to make those clauses the subject of a separate Bill; and will, accordingly, on a future day, if agreeable to the House, move for leave to bring in a Bill to appoint a court of appeal from the decisions of the revising barristers.

Mr. WARBURTON.—I consider that to reduce the number of revising barristers, and to constitute a court of appeal from their decisions, will do much to diminish the number of contested questions; but if, by proceeding with the clauses proposed by the Honourable Member, such delay would be occasioned as to endanger the passing of the Bill this Session, I think it would be most prudent to make them the subject of a separate Bill.

SIR ROBERT PEEL.—The clauses of which the Honourable Member has given notice are intended, as I understand, to provide the means for reconciling conflicting decisions of the revising barristers. They propose to establish a court of appeal for that purpose; and to that principle I can have no objection. I, however, can give no undertaking to bring in a Bill to carry it into effect. I merely express myself favourable to the principle, and state my readiness to discuss it fairly when brought forward. But I hope I shall be allowed to go on with my Bill; and that I shall not be stopped, because a Bill for the purpose I have stated may, also, be thought necessary.

LORD J. RUSSELL.—I quite agree with the Right Honourable Gentleman, that the probability of such a Bill as that suggested by the Honourable and Learned Member for Liskeard being brought in, ought not to form an obstacle to the progress of the Bill now under consideration. My opinion, however, is, that half the benefit which may be expected from the Right Honourable Baronet's Bill will be lost, if it be not assisted in its operation by some such measure.

The House then resumed; Chairman reported progress; committee to sit again on Monday next.

WINDSOR CASTLE STABLES.

On the Order of the Day for bringing up the Report of the resolutions being read,—

Mr. GOULBURN said:—Not having been in the House last night when the Right Honourable Gentleman (the Chancellor of the Exchequer) proposed the vote of 70,000*l.* for erecting stables at Windsor Castle, I am not aware whether or not any estimate was brought forward showing the necessity of applying this sum, so granted,—if it be in the nature of such a grant,—out of the revenues of the Crown for this purpose. But, whether it be a grant out of the revenues of the Crown, or out of the public funds, voted in Committee of Supply, it is equally a matter which the public have a right to inquire into. The Right Honourable Gentleman is aware that if this were a grant of the public money proposed in Committee of Supply, he would have to show an estimate of the proposed expenditure, and I think, in the present case, before calling upon the House to agree to the appropriation of 70,000*l.* out of the Crown revenues, we ought in like manner to have such an estimate before us. I do not say that the amount is too large, but that we ought to have a statement to justify us in agreeing to the vote.

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The CHANCELLOR of the EXCHEQUER. — I rejoice much that the Right Honourable Gentleman is in the House to ask this question, and to receive the answer which I shall endeavour to give, I hope, to his satisfaction, and to that of every Honourable Member who hears me. The Right Honourable Gentleman has said that he was not in the House last night; but there are many now present who were here, and who will accompany me in the explanation I am about to give, and see that it is in conformity with what I stated on proposing the resolution in committee, but merely adding some information, with respect to which I was then questioned, and upon which I have since obtained information. And, first, I would call the attention of the House and of my Right Honourable Friend to the distinction, with respect to their present position, which now exists between the hereditary revenues of the Crown, and the annual income granted to the Sovereign in lieu of them. There can be no doubt, as I stated last night, that the whole amount of the Crown land revenues is, during the reign of her Majesty, public property; and that a vote of any sum out of such revenues, is tantamount, in part, though differing, perhaps, in form, to a vote of the public money in committee of this House. But there is yet another branch of those revenues, which stands in a different position, and which is administered by the Commissioners of Woods and Forests. I allude to that which is derived from the sale of certain Crown property, and which, under the existing Acts, is to be applied, not as matter of annual revenue, but as principal to be re-invested in the purchase of other lands, and which might be appropriated to the enlargement of Windsor or St. James's Parks, or to any similar purpose. The funds so derived are not held as revenue, neither are they carried to the public credit. It is not proposed by these resolutions, and by the Bill which will be founded upon them, and which may hereafter be discussed, to apply any portion of that annual revenue, or income of the Crown, which would be carried to the public credit, for the purpose of building these stables; but merely to appropriate a portion of those funds which have accumulated as I have described, and which now stand in the hands of the Commissioners of Woods and Forests, as the personal property of the Crown, to be re-invested in the manner I have stated. I know it may be said, "But, still, this 70,000*l.* might be re-invested in the purchase of lands, or other valuable property; and the income derived from the land so purchased would become matter of revenue, and be carried to the public credit; and thus, as you diminish this fund, so you diminish the income that might be obtained from the Crown lands." I admit this; but I stated fully, last night, the facts on which the vote rested, and have no need, I think, to recapitulate them, in order to meet this argument, now. The Right Honourable Gentleman knows well, that, on the estimates on the table of the House, we have voted money to a much greater amount for the execution of works at Windsor Castle,—almost without question, and certainly without objection. The various votes, however, so granted for the alterations and improvements at Windsor Castle, made no provision whatever for stabling; and in the course of last Session I was charged with not having provided for the completion of the original plan, by securing this sort of accommodation. In Sir Jeffery Wyatt's original plan, stable accommodation was provided; and the estimate for that part of the work was 120,000*l.* To this large expenditure we objected; and after much delay, and more minute inquiry, the proposed expense to be incurred in carrying out the plan was reduced one half. There are some Honourable Gentlemen in the House who are acquainted with the condition of the stables at Windsor Castle, and who are aware that they are not only quite unfitting for a Royal establishment, but even for a private residence. The present stables belonging to Windsor Castle are, in the first place, extremely inconvenient, being scattered over various parts of the town; and, in the next place, they are in so very dilapidated a condition as to render necessary a very large annual expenditure in repairs. I was asked, last night, what would be the value of the old materials of the present stables, if pulled down and sold, and also of the site on which they stand? Of course, I cannot state this with strict accuracy, until the materials are bought by public competition; but from the inquiries I have made, I find that the sale of the site and materials may be expected to produce upwards of 10,000*l.*, which will be applied towards the erection of the new stabling. Well, then, it is supposed that 60,000*l.* is a very large amount to be voted for providing Windsor Castle with suitable stabling. But, on referring to the expense of erecting similar buildings upon a much smaller scale, I find that the expense has been very nearly as great. The cost of building the Royal stables at St. James's was between 50,000*l.* and 60,000*l.*; and that, without any riding-

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house. It is a part of the present plan to provide a riding-house at Windsor; such a building being necessary to enable her Majesty to take horse-exercise in bad weather, — frequent horse-exercise being necessary to her Majesty's health. I think I have fully explained that the only loss the public will sustain, as a matter of debtor and creditor account, is, that amount of revenue which might be obtained by the property being invested, and made productive. Then, Sir, as to the matter of estimate; — the only estimate that I can possibly submit is that made as I have stated — and which declares that the building of the stabling, according to the plan proposed, will cost a sum not exceeding 70,000*l.* If any Honourable Gentleman wish to examine the plans, I am willing to lay them on the table; but, when I tell Honourable Gentlemen that the estimate has been reduced from 120,000*l.* to 70,000*l.*, I hope they will see that there is a desire on the part of the Government to economise, so far as is consistent with the desire to afford her Majesty that accommodation which she ought to have, and which I am sure no Member in this House will be disposed to withhold. I trust that this explanation will be sufficient to remove all objection to the Report.

COLONEL SIBTHORP. — I, Sir, am one of those who will, at all times, readily subscribe to all that can contribute to the personal comfort and pleasure of her Majesty; and in that feeling I am sure the House will generally agree. I trust, therefore, that after the statement of the Right Honourable the Chancellor of the Exchequer, this Report will be allowed to be brought up without opposition.

Mr. W. WILLIAMS. — We were told, last night, by the Right Honourable Gentleman, that the funds, out of which the cost of building these stables was to be defrayed, were derived from a source over which the public had no control; and we have been also told that this property might be applied to the purchase of other lands, and that it might be laid out in adding to Windsor or any other of the Royal parks. The Right Honourable Gentleman has not, however, attempted to prove that this 70,000*l.* does not come from the pockets of the public: on the contrary, we now understand that we are to vote a sum of 60,000*l.* of the public money for the building of these stables. I have no objection to offer to the estimate; but I think it right that it should be known that this money actually comes from the public, and not from the private source which the Right Honourable Gentleman would have us to believe.

The CHANCELLOR of the EXCHEQUER. — I may possibly have failed, to-night, as I find I did last night, in giving a clear explanation of this matter. What I stated was, that there were two funds: that the one arising from the Crown revenues was that which was carried to the public credit; that this sum was taken from that other fund which was not to be carried to the public credit, but which was to be re-invested unprofitably, and which, if invested unprofitably, would leave no revenue at all, but, if invested profitably, would, undoubtedly, be a gain to the public. With this explanation, I will leave the case in the hands of the House.

LORD VISCOUNT DUNGANNON. — I am sorry to see the day on which anything appertaining to the proper keeping up of a national monument like Windsor Castle is to be made a matter of cavil, come the funds from whence they may. I rejoice that this project is about to be carried into execution; but I do think it is not becoming in a great country like this to carp about an outlay of 60,000*l.* for the purpose of providing suitable stabling, and in order to complete a royal residence such as Windsor Castle.

Mr. W. WILLIAMS. — It is not my wish to raise anything which can be denominated "a cavil." My object is simply to ascertain the sum which the public will be called on to furnish.

Mr. WAKLEY. — I intend to move that the sum be reduced to 50,000*l.*; for I consider that a grant of 70,000*l.* for the mere erection of stables is an extravagant expenditure, which the present state of the finances of the country does not warrant. I move, therefore, that this sum be reduced to 50,000*l.*

The SPEAKER. — Who seconds the amendment?

The amendment, not being seconded, was not put.

The resolution, "That a sum, not exceeding 70,000*l.*, be applied, out of the land revenues of the Crown, to defray the expense of erecting stables and stable offices contiguous to Windsor Castle," was then reported, and agreed to; and Bill ordered to be brought in by Mr.

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Chancellor of the Exchequer, Lord John Russell, and Mr. Baring.

Bill "to authorise the Application of Part of the Land Revenues of the Crown for the Erection of Stables and Stable Offices contiguous to Windsor Castle," presented, and read a first time; to be read a second time on Monday next, and to be printed.

PAPER DUTIES BILL.

Considered in committee, and reported; further consideration of Report on Thursday, the 20th of June; Bill, as amended, to be printed.

BRICK DUTIES BILL.

Committee deferred till Thursday next.

SUPREME COURTS (SCOTLAND) BILL.

Further consideration of Report deferred till Monday next.

REGISTRATION OF ELECTORS BILL.

On the Order of the Day, for the committee on this Bill, being read,—

COLONEL SIBTHORP said:—I have several clauses to propose to this Bill; but in consequence of the absence of the Attorney General, I suppose it will not be proceeded with. That Honourable and Learned Gentleman has, on previous occasions, when this Bill stood on the paper, been absent from the House,—by which absence of his, much inconvenience has been occasioned; and it would certainly appear that he wished to shirk the subject. I should like to know on what day this Bill will really be brought on?

LORD J. RUSSELL.—If we proceed with any Registration Bill, my Honourable and Learned Friend the Attorney General will most probably discharge the order for the present Bill, and bring forward another on the subject.

COLONEL SIBTHORP.—The Noble Lord had much better at once admit his intention of not proceeding with the Registration Bill at all.

LORD VISCOUNT DUNGANNON.—It would be a very great convenience to the public to know the subject of the Bill that is to be proceeded with, or whether there is any intention on the part of the Government, or of the Noble Lord, to take any steps whatever on the subject? and, if so, whether during the present Session?

The committee on the Bill was then deferred till Friday, the 14th of June.

DOUBLE AND TREBLE COSTS BILL.

Considered in committee; to be reported this day.

IMPRISONMENT FOR DEBT ACT AMENDMENT BILL.

Committee deferred till this day.

CHARTISTS.

LORD VISCOUNT DUNGANNON.—I now rise to move for a Return which, although, in my opinion, a perfectly reasonable and proper Return, I understand it is not the intention of the Government to grant. The papers I require relate to matters of a very serious character, and of the mischievous results of which we do not, at present, know the extent. I hope, therefore, that the Noble Lord will state to the House the reasons that influence him in refusing to produce them. My motion is, That an humble Address be presented to her Majesty, that she will be graciously pleased to give directions that there be laid before this House — Return of any communication received by her Majesty's Secretary of State for the Home Department from the various local authorities in England and Wales, relative to the assembling together and arming of certain persons denominating themselves Chartists.

Upon the question being put,—

LORD J. RUSSELL said:—It must be obvious to the House that it is impossible for me to comply with this request, as the papers moved for are confidential communications which have passed between the authorities of the country and the Home Office, perhaps involving various parties, and giving reasons why certain persons should be prosecuted; and if communications of this nature were not to be considered as private and confidential, it is quite impossible that

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the business of the Home Office could be carried on.

COLONEL SIBTHORP. — I do not think the Noble Lord's answer is at all satisfactory. My Noble Friend (Lord Dungannon), I am sure, has no wish, in moving for these papers, to throw any impediment in the way of the Home Office, but rather to assist the Noble Lord in putting down those disturbances, which have become so dangerous and alarming in their character. I think the information called for is such as might be properly produced; and unless the Noble Lord can get up and say that the country is now going on well, and that there is no further cause for alarm, I must consider that his refusal to produce these papers is influenced by something behind the curtain of which we are not cognizant. If the Noble Lord will not accede to the motion, I think, at least, he ought to make a statement to the House on the subject to which it refers.

Mr. WAKLEY. — I hope that the Noble Lord will make a statement to the House, after what has been said, of the arming of the Chartists in different parts of the country. At the same time, I agree with the Noble Lord, that it is impossible for him, consistently with his public duty, to lay before the House the papers which have been called for by the Noble Lord opposite, and which must be regarded as confidential communications received by the home authorities. The accounts which have been given of the arming of the people are, I have no doubt, grossly exaggerated; for I cannot discover, from the inquiries I have made, nor do I believe, that any large amount of the people have endeavoured to obtain by violence that which might be much more easily secured by calm reason. I think, therefore, the Noble Lord should state to the House the true accounts he has received as to the state of the country, in order to dispel the alarm and apprehension which, I believe, does exist in the public mind upon the subject.

LORD J. RUSSELL. — With regard to the general statement which the Honourable and Gallant Member opposite and the Honourable Member for Finsbury consider I ought to make on the subject, I can only say, in addition to what I have already stated, that many threats were made by certain reckless and frenzied persons of what was to take place in the course of the Whitsun week. There certainly were several meetings held in the course of that week, at which large numbers of persons attended; but I am happy to say that their proceedings were of a much more orderly and reasonable character than, judging from the previous statements, we had reason to expect. I have, only to-day, seen the officer in command of the northern district, who informs me that he is better satisfied with the condition of that district than he has been for some time past.

LORD VISCOUNT DUNGANNON. — It was my object, in moving for these Returns, to obtain, if possible, some information that might prove satisfactory both to the House and to the country. I should be glad if something more definite could be obtained from the Noble Lord than the statement he has just made. I have, however, some satisfaction in hearing that the present aspect of the country is not so alarming as has been apprehended. The Honourable Member for Finsbury supposes that very exaggerated statements have been put forth on this subject. I believe that, as regards some parts of the country, that may be true; but I know this, — that in my own neighbourhood — that with which I am connected by property — there did exist very considerable cause for alarm not very long since, and that, had it not been for the yeomanry corps, who were then on duty, very serious results might have occurred. I will not, after what I have heard, press my motion.

Mr. FINCH. — I believe that the accounts of the arming of the people have been greatly exaggerated. I understand that arms have not been manufactured to any such extent, or for any such purposes, as have been stated.

The motion was then, by leave, withdrawn.

PETITIONS FOR PRIVATE BILLS COMMITTEES.

Mr. Brotherton added to the committee.

BILLS OF EXCHANGE.

On the motion of the CHANCELLOR of the EXCHEQUER, Act (1 Vic. c. 80.) read.

The CHANCELLOR of the EXCHEQUER. — Pursuant to my notice, I now rise to move for leave to bring in a Bill

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to make perpetual the Act of 1 Victoria, cap. 80., to exempt certain bills of exchange and promissory notes from the operation of the usury laws. This is a measure of the greatest commercial importance, and is brought forward at the urgent request of many of the most influential members of the commercial body. By the Bank Charter Act, all bills not exceeding three months' date, are exempted from the operation of the usury laws. Now, it will be in the recollection of Honourable Members, that, in the Session before the last, I brought in a Bill to extend that exemption to bills of twelve months' date; and, upon this ground, — that it was quite clear that there were many commercial transactions to which the clause in the Bank Charter Bill would not apply, by reason of the narrow limit of the exemption; and that the benefit which the commercial world had a right to anticipate from the operation of that clause would be incomplete, if it were not extended to bills of a longer date. The Bill I so introduced met with the approbation of this House; but, in its progress through the Lords, the operation was limited to two years; and, if it be not renewed, it will expire in the year 1840. I believe there is no difference of opinion, either in or out of the House, as to the benefit which has resulted from this Act; and I can have no hesitation in saying — from my own knowledge of circumstances which occurred during the late commercial difficulties of the country — that, if it had not been for the relaxation of the usury laws, which this Act allowed, those difficulties and embarrassments would have been infinitely greater than they were. I would appeal to the commercial world as to the operation of the Bank Charter Act at that time, and as to the benefits which have resulted from the course that has been taken upon this subject, as a justification for my now calling upon the House to carry out its own original intention; for, in the proposition I am now about to submit, I am doing no more than asking the House to affirm its own principles. I move, Sir, for leave to bring in a Bill to make the Act 1 Vic. c. 80. perpetual.

Upon the question being put from the chair, —

Mr. PRYME said: — I cannot help regretting that the Bill is not to be so extensive as I know it is the wish of the commercial world that it should be. There is but one opinion among men who have paid any attention to this subject, — that is, that the usury laws should be totally repealed; and I hope the day is not far distant when that principle will be carried out to its full extent.

Mr. WARBURTON. — The Bill of the year before last was introduced with the approbation of, I believe, all commercial men; and I know that a very considerable degree of benefit has resulted from it. The exemption which it allows was of the utmost importance during the late commercial crisis, and has been the means of saving many commercial houses from bankruptcy. Perfectly approving of the very prudent course which the Right Honourable Gentleman the Chancellor of the Exchequer has adopted on this very important subject, I shall give my cordial support to his Bill.

The CHANCELLOR of the EXCHEQUER. — I agree with the Honourable Member for Cambridge (Mr. Pryme), that it would be advantageous to the country if the whole of the usury laws were repealed; — that is my opinion; — and I would, most willingly, introduce a measure for that purpose, but that I am afraid, in doing so, I should be risking the good which I expect from a partial abolition.

The motion was then agreed to. Bill ordered to be brought in by Mr. CHANCELLOR of the EXCHEQUER, Mr. BARING, and Mr. WARBURTON. Subsequently, —

A Bill "to make perpetual an Act of the First Year of her present Majesty for exempting certain Bills of Exchange and Promissory Notes from the Operation of the Laws relating to Usury," was presented, and read a first time; to be read a second time on Monday next, and to be printed.

CANADIAN EXPENSES.

COLONEL SIBTHORP. — Sir, previous to the House being called upon to enter into a discussion of the Canadian question, it was my intention to have moved for Returns of the expenses incurred by the mission of Lord Durham to Canada, and also of the incidental expenses occasioned by the rebellion in those provinces. I understand that the Right Honourable Gentleman the Chancellor of the Exchequer proposes to lay before the House some important matters connected with this subject; but, as I may not have an opportunity, when those

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matters shall be brought forward, of putting the question to the Right Honourable Gentleman, I wish, now, to ask him whether the 35,000*l.*, which has been stated as the cost of the Canadian mission, includes the whole expenditure? I want to know the exact amount of the incidental expenses incurred in putting down the rebellion. I believe it will be found that the actual expenses incurred are considerably greater than they have been stated at. Does the Right Honourable Gentleman object to give us a detailed and connected account of all those expenses? If they really amount to no more than 35,000*l.*, or if there be any reasonable objection to give such an account, I am bound to rest satisfied with the Returns which have been already laid before the House.

The CHANCELLOR of the EXCHEQUER. — The Honourable and Gallant Member gave a notice for a Return of the expenses of the Earl of Durham's mission to Canada, and other expenses incurred in putting down the rebellion in that colony. With regard to the former, the Return which has been given contains the best information which the knowledge of the Government enables them to give on that subject, even up to the last farthing; and if it should hereafter appear, that one farthing more than it already contains ought to be added to that account, I will take care to lay a Return of such further expenditure on the table, without motion. With regard to the second Return, — that as to the expenses incidental to the putting down the rebellion, — I have already told the Honourable and Gallant Member that there is some difficulty in preparing it now. The Honourable and Gallant Officer must, as a military man, well know that, if he were in command of a body of troops in Canada, he could not, in a very short time after the close of the campaign, state the exact expense he had incurred in putting down the rebellion, separately from that which would be required for keeping up the general service of his regiment. I have laid before the House the best accounts that it was in my power to give; and I can only add, that so soon as any further information is received by the Government, it shall be produced.

COLONEL SIBTHORP. — I beg to thank the Right Honourable Gentleman for his explanation, which, I assure him, is perfectly satisfactory.

BEER-HOUSES.

LORD VISCOUNT DUNGANNON. — I moved, early in the Session, for a Return of the number of beer-houses licensed for the sale of beer during the last year. I have not yet seen that Return, and I believe it has not yet been made.

Mr. BARING. — Many Returns have been laid upon the table, classed together. If the Noble Lord, on inquiry, should find that the Return he speaks of has not been produced, I will take care that it shall be immediately made out.

JOINT TENANTS VOTING (IRELAND) BILL,

"To declare the Right of Joint Tenants in Cities, Towns, and Boroughs in Ireland, to vote in the Election of Members to serve in Parliament." — Presented, and read a first time; to be read a second time on Thursday next, and to be printed.

LEAVE OF ABSENCE.

To GENERAL O'NEILL, a month; Mr. FITZSIMON, a month.

JAMAICA.

Return (presented 5th of June) to be printed.

Adjourned at a quarter before one o'clock.

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HOUSE OF LORDS, VENERIS, 7° DIE JUNII, 1839.

APPEALS.

Pearson *v.* Casamajor, *et è contra.* — Order for the hearing of the cause (which stands appointed for Monday next) discharged.

Brainer *v.* Bethune. — Set down for hearing.

Vigers *v.* Pike. — The respondent ordered to answer peremptorily in a week.

EARL OF SEFTON'S CLAIM TO VOTE FOR REPRESENTATIVE PEERS FOR IRELAND.

Report from the Committee for Privileges, That his Lordship had made out his claim, read, and agreed to; and ordered and adjudged accordingly.

ALLISON'S DIVORCE BILL.

Read a second time, and committed to a committee of the whole House on Monday next; and the Lords summoned.

IVANOFF'S NATURALISATION.

Certificate read; petitioner took the oaths; and Bill read a second time, and committed for Monday next.

DUKE OF BUCKINGHAM AND CHANDOS'S ESTATE BILL.

The Marquess of Westmeath sworn at the table, to give evidence before the committee to whom the Bill stands referred.

EARL OF STAMFORD AND WARRINGTON'S ESTATE BILL.

Read a second time, and committed for Tuesday, the 18th instant.

ROBERTSON'S ESTATE BILL.

Reported specially, with amendments, and to be ingrossed.

The EARL of SHAFTESBURY sat Speaker.

House adjourned during pleasure, and resumed by the LORD CHANCELLOR.

RAMPTON INCLOSURE BILL. — BURY AND HASLINGTON ROADS BILL. — CLITHEROE AND BLACKBURN ROADS BILL. — RISHWORTH RESERVOIRS BILL. — EYEMOUTH HARBOUR BILL. — WITHAM DRAINAGE BILL.

Read a third time, and passed.

NORTH MIDLAND RAILWAY BILL.

Read a third time, with the amendments; Bill passed, and sent to the Commons.

SLAMANNAN RAILWAY BILL. — MANCHESTER AND LEEDS RAILWAY BILL. — LEEDS AND HAREWOOD ROADS BILL.

Read a second time, and committed for Tuesday next.

BRISTOL AND GLOUCESTER RAILWAY BILL.

The House being informed, by the Chairman of Committees, that the opposition to this Bill was withdrawn, the order made on the 31st of May last, for the committee to be proposed by the Lords' Committees appointed for proposing Committees on Opposed Bills, was discharged, and the Bill committed to all the Lords present this day; the committee to meet on Tuesday next.

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WEST DURHAM RAILWAY BILL.

Reported specially from the Standing Orders Committee, and leave given to proceed with the Bill.

DOVER, DEAL, AND SANDWICH ROAD.

Report from Select Committee, That, the parties opposing the Bill having stated to the committee that they were unable to proceed with their case this day, in consequence of their witnesses not having been sworn, the committee were under the necessity of adjourning, at a quarter past one o'clock, the further proceedings upon this Bill, till to-morrow at eleven o'clock. — Read, and ordered to lie on the table.

SELECT COMMITTEE ON THE STATE OF IRELAND IN RESPECT OF CRIME.

The Earl of Stradbroke sworn at the table to give evidence before the committee.

FILTRATION COMPANY BILL. — ALMSWORTHY INCLOSURE BILL. — PATENT WHITE LEAD COMPANY BILL. — LIVERPOOL CHURCHES BILL. — NORTHERN AND EASTERN RAILWAY BILL (No. 2.). — NORTHERN AND EASTERN RAILWAY BILL (No. 1.).

Brought from the Commons, and read a first time.

LIVERPOOL AND MANCHESTER RAILWAY EXTENSION BILL. — GREAT NORTH OF ENGLAND RAILWAY BILL.

Returned from the Commons, with the amendments agreed to.

COURT OF ARCHES.

The BISHOP of EXETER. — Finding no Return can be made to the motion of which I have given notice, I beg to move that that notice be discharged; and, at the same time, that there be laid before this House a copy of the instrument constituting and appointing the Right Honourable Sir Herbert Jenner, Judge of the Arches Court.

Ordered.

POSTAGE.

EARL GREY and LORD REDESDALE presented petitions for the reduction of the rate of, — of inhabitants of Cornwell, Sarsden, and Churchill; and Alnwick. — Read, and ordered to lie on the table.

SPIRITUOUS LIQUORS.

The MARQUESS of LONDONDERRY presented a petition for the suppression of the distillation of, — of teachers of the Carricknavea Sunday School. — Read, and ordered to lie on the table.

BEER ACT IN PART REPEAL BILL.

The MARQUESS of SALISBURY. — Seeing my Noble and Learned Friend in his place, I beg to state that it would be a matter of convenience to me, if he would postpone the committee on the Beer Bill until Monday next.

LORD BROUGHAM. — Why should it be put off?

The MARQUESS of SALISBURY. — I wish to move some amendments.

The committee (which stood appointed for this day) was then accordingly put off to Monday next, and the Lords summoned.

SPANISH LEGION.

The MARQUESS of LONDONDERRY. — I can assure your Lordships that, in endeavouring to obtain some information with respect to the settlement of the claims of my unfortunate countrymen who have recently been employed in the Spanish service, I do not mean to oppress or embarrass the Noble Viscount opposite. But I conceive that the information which I am about to call for is of a nature which the Noble Viscount must, himself, feel to be of very considerable interest and importance. I wish to know what steps have been taken to meet the claims of those unfortunate officers who were induced to enter the Spanish service in consequence of the Order in Council which Ministers authorised, and by which the operation

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of the Foreign Enlistment Act was suspended. From some cause or other those claims have not been taken up, as they ought to have been, by those who might have been expected to have shown the greatest interest in bringing the matter to a conclusion. On this subject I have received a letter from a large meeting of officers, which was recently held in Dublin. It is as follows: —

My Lord, — At a late meeting, in this city, of several of the officers who belonged to the late Spanish Legion, and to whom large sums are due for arrears of pay by the Spanish Government, I am directed to request your Lordship, who has upon so very many previous occasions shown the interest you take in those that have belonged to the legion, will, in your place in the House of Lords, upon the first convenient opportunity, ask of some member of the Government whether any effectual measures are in progress for the payment of the legion. There has been a commission sitting in London to investigate the claims of men and officers during the last year, and no one officer or man now in this country knows anything about its proceedings. You, my Lord, will be the means of rousing the public to insist that some pledge will be given by the Government that justice must be done by the Spanish nation to a number of men that went out to Spain under their auspices, and the minute of the King's Honourable Privy Council. For your uniform kindness and attention to the legion and their interests, I am directed to return you their grateful acknowledgments; and am, for myself, with profound respect, your Lordship's very obedient servant,

JOHN JENKINS.

Summer Hill, Dublin, May 20. 1839.

One of the officers of the legion has also placed in my hands a very curious document, which has been given by the commission to some of the claimants. It may well be called "General Alava's bank note." It presents an imposing appearance; it is headed, "Office of the Royal Spanish Commission," and proceeds as follows: —

By virtue of authority vested in us by her Catholic Majesty, we the undersigned commissioners for adjusting the claims of the late British Auxiliary Legions of Spain, do hereby declare that the sum of 9*l.* 4*s.* is due to Henry Guyer from the Spanish Government. This document is transferable, by indorsement, at the will of the party interested.

It is signed by M. Ximenes, the Spanish commissioner, and Colonel Wetherell, and contains the words, "Confirmed, Miguel Alava, her Catholic Majesty's Minister." What is the use of such a document? Is there any place or time stated when the money is to be paid? It bears no interest; it is mere waste paper; and to show the state of necessity to which these unfortunate men have been driven, I need only mention the fact that, for these certificates, containing the acknowledgment of the debt due to them, they are actually taking 1*s.* 6*d.* and 2*s.* in the pound. This bank note of General Alava is a mere delusion; it is no such liquidation of the claims as I understood to be in progress. If the Spanish Government were changed to-morrow, I should like to know whether General Alava would be responsible for this document? There can be no further excuse for delaying the settlement of these claims; the accounts, as I understand, have already been audited, and a sum of 260,000*l.* is admitted to be due from the Spanish Government, but not a shilling can be obtained. Under these circumstances, I venture to say that, if the Noble Viscount cannot bring the Spanish Government to do justice to these men, it is a discreditable position for this country to be placed in. General Evans and General Alava are both, at the present moment, in this country; and this, therefore, appears to me to be a propitious time for the interference of her Majesty's Government; and the Noble Viscount can hardly tell me that he has exerted all his influence in behalf of these claimants. The Noble Viscount has unfortunately, now, for a long time, held his present office, and lately he has been incapable of doing much good either for our foreign or domestic relations; but, for the Minister of a great nation like this to say that, in a case of mere justice, affecting his own countrymen, "he cannot do anything," is so extraordinary a statement, that I scarcely believe that it can be made. I stand up as an officer for these unfortunate and ill-treated men, many of whom have served under the illustrious commander behind me; and I must say that, if their claims are not treated as they ought to be, — if their representations are thrown aside and neglected by the very Government which encouraged them to volunteer their services, — it will be most disgraceful to all who are concerned in the proceeding. I hope, most sincerely, that some plan will be speedily devised for the purpose of assisting these ill-treated individuals. In conclusion, I beg to move for a Return of all claims of officers and men of the late Spanish Legion which have been presented; a Return of all those claims which have been liquidated, and in what manner; and an Account of those claims which remain unexamined.

VISCOUNT MELBOURNE. — I am anxious to give to the Noble Marquess all the information which I, myself, possess on the subject. With respect, how-

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ever, to the motion, it is impossible that I can accede to it, because Government cannot be cognizant of what is done by a commission not appointed by them. That commission has no connection with the British Government, nor with any department of the state. It originated with the Spanish Government, and is not under the cognizance of this Crown. I, therefore, can state nothing as to the proceedings of that commission.

The motion was then withdrawn.

POOR LAWS AMENDMENT ACT.

EARL STANHOPE. — My Lords, I beg leave to read the following petition, to which I alluded yesterday evening.

To the Right Honourable the Lords Spiritual and Temporal in Parliament assembled.

The humble petition of the guardians of the poor of the parish of St. George the Martyr, in the borough of Southwark, in the county of Surrey,

Showeth, — That your petitioners are extremely anxious to represent and complain to your Lordships that the Poor Law Commissioners, in their several Reports made to the Secretary of State, have misrepresented facts, and made statements in reference to the parish of St. George which are totally incorrect and untrue.

That your petitioners consider it to be highly important that such misstatements should be contradicted without delay, because they are calculated to mislead your Lordships and the public at large as to the injurious or beneficial effects of the Poor Law Amendment Act.

That whereas the Poor Law Commissioners have stated, in the pages of their Fourth Report, that a saving had been effected in the expenditure of the parish of St. George of 47 per cent., as compared with the average expenditure of the three years immediately preceding the introduction of the Poor Law Amendment Act; that such statement has been proved to be untrue by Mr. John Day, one of the guardians, in his analysis of those accounts.

That in the amended statement made by the Poor Law Commissioners to Lord John Russell they have admitted themselves to be wrong, and that their published Report laid before your Lordships is not correct.

That the difference between the expenditure, as stated in the Poor Law Commissioners' Report, and their corrected statement to Lord John Russell, amounts, on the average of the three years referred to, to no less a sum than between 6000*l.* and 7000*l.*

That your petitioners also have to assure your Lordships that the amended statement referred to, made by the Poor Law Commissioners to the Secretary of State, is, like the Report itself, incorrect and untrue.

The statement of the Poor Law Commissioners being to the effect, that although they find themselves wrong in calling the saving 47 per cent., there is yet a saving of 40 per cent.; while the state of the parish and the books themselves show the contrary to be the fact; and that, so far from any saving being effected, the amount of the poor rate levied in 1835, previous to the introduction of the poor law, was 3*s.* 8*d.* in the pound; whereas the amount of rate in 1838 was, with the increased assessment, equal to 4*s.* in the pound, or an increase in the burden of the ratepayers of about 1600*l.* in the year 1838, as compared with 1835, previous to the introduction of the new law.

That your petitioners have also further to complain to your Lordships, that important serious misrepresentations have also been made in reference to their parish in the Third, as well as in the Second, Report of the Poor Law Commissioners.

That in their Reports certain evidence is stated to have been given by some of the officers of their parish, which was found upon inquiry to be untrue; and that such evidence as the Poor Law Commissioners published and put forth in their Reports was not given by those officers, and was, therefore, untrue.

That your petitioners, in their experience of the administration of the relief under the new law, have found its working, in proportion as it has been carried out, to be injurious both to the ratepayers and the poor; and, therefore, cannot but regret that an impartial examination has not been taken from those whose experience has enabled them to see its defects, as well as those who, from private prejudice or interested motives, were partial to its operation.

Your petitioners, therefore, humbly pray that your Lordships will, in future, be pleased to place no reliance or dependance whatever upon the Reports or statements of the Poor Law Commissioners, now proved to be incorrect and false. And your petitioners also further pray that the Poor Law Amendment Act may be repealed or effectually altered, because it is unjust in principle and oppressive in practice.

And your petitioners will ever pray, &c.

Signed on behalf of the board,

CHARLES ANDERSON, Chairman.

THOMAS MARTIN, Vice-Chairman.

J. FITCH, Clerk to the Guardians.

VISCOUNT MELBOURNE. — I am entirely ignorant of the facts of this petition; and so, I believe, are the Poor Law Commissioners. I would suggest, therefore, that they be furnished with a copy of the petition in the first instance.

EARL STANHOPE. — It may be printed.

LORD BROUGHAM. — When the Noble Earl consents to have — say 500 — petitions printed, that fact furnishes 500 reasons for letting the commissioners have one. It should be recollected that these men are put on their trial on unknown charges; and I therefore hope the Noble Earl will not refuse this request, particularly as he has behaved so fairly, in these matters, generally speaking.

EARL STANHOPE. — Always.

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LORD BROUGHAM. — I shall say "always," if the Noble Earl do not make this glaring exception to his rule.

EARL STANHOPE. — I have no objection that it should be printed for the public; but I will not show any special favour to those "dictators," whose power I consider quite illegal.

SCOTCH CHURCH.

The MARQUESS of BUTE presented a petition for the further endowment of, — of inhabitants of Cumnock. — Read, and ordered to lie on the table.

COURT OF CHANCERY.

LORD LYNDHURST. — My Lords, I rise to call your Lordships' attention to the subject of the Court of Chancery, and to the present state of business in that court. I have, my Lords, undertaken this task with very great reluctance, but I have been urged by representations from gentlemen at the bar, practising in the Court of Chancery, — from respectable solicitors in that court, — from suitors, some of whom have been victims to the course of proceedings in it; and I consider the subject to be of such deep interest to the community at large, that I feel it to be my duty to comply with the request thus pressed upon me, and to bring forward this question, in the hope of devising some remedy for the evils complained of. I have, my Lords, been the more anxious to do so, in consequence of the Speech of her Majesty at the commencement of the Session. Her Majesty, in that gracious Speech, directed our attention — our anxious attention — (for such were the words) — to measures that were about to be submitted to us, having for their object the more certain and speedy administration of justice. Now, my Lords, there is no part of our judicial system more requiring amendment than the practice of the Court of Chancery; not merely from the position it is now placed in, but also from the immense extent of the interests involved in the judicial decisions and proceedings of that court. But, my Lords, months have elapsed since Parliament assembled, and not one single word has yet been said in this House with respect to the Court of Chancery; and no Bill, as I have been informed, is now pending in the other House of Parliament on this subject. Therefore, my Lords, I deem it to be more imperatively my duty to call to the recollection of her Majesty's Ministers that which perhaps they have already forgotten, — namely, the gracious communication so made by her Majesty at the commencement of the Session. But, my Lords, this matter did not stand therein, entirely by itself; for, adverting to that speech for the purpose which I have mentioned, I find other great and important and almost overwhelming considerations pressed upon our serious attention. Notwithstanding this, I repeat it again, we have here assembled, night after night, for upwards of four months, and not a single Bill, on any subject of the slightest importance, has yet originated with Ministers in this House, or has come up to us from the other House of Parliament. I do not mean to say, my Lords, that we are without a Government, for I see several Noble Lords opposite who hold high and responsible situations under the Crown. But, my Lords, it does not appear to me that there is any substantial difference between the position of a country having no Government and that of a country having a Government which, from negligence, or from want of vigour, or from want of power, is unable to bring forward, and to carry through Parliament, those measures which the great interests of the country require. My Lords, passing by this consideration, I beg to point out to your Lordships the course — the limited course — which it is my intention to pursue on this occasion. I do not mean, my Lords, to enter generally and at large into the considerations of the whole subject of the courts of equity. That would involve me in a discussion too wide and too entangled for the object which I have in view. That object is — to point out what I consider to be a crying grievance of the Court of Chancery, and to endeavour to apply to that grievance an adequate remedy. I hope, therefore, that I shall not be charged with taking a narrow and circumscribed view of this great subject, when I state that my object is to apply a practical remedy to what I consider to be an enormous practical evil. Having made these few preliminary observations, your Lordships will allow me state what is the actual condition of the Court of Chancery with respect to causes at this time. There are now, my Lords, upwards of 850 causes standing for hearing in the different branches of the Court of Chancery. There are 550 between the Noble and Learned Lord on the woolsack and the Vice Chancellor; and there are other 300 before the Master of the Rolls. I am informed by persons of eminence in that court, that many of these causes have been

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standing for a period of three years. I am told that, in the court over which the Noble and Learned Lord on the woolsack so ably presides, and in the Vice Chancellor's Court, the average period,—after a cause has been set down and is ready for hearing, — before it is heard for the first time,—is two years and a half. Yes; the long period of two years and a half elapses before that step is taken. I am further informed that, with reference to cases before the Master of the Rolls, a period of a year and a half elapses prior to the first hearing. Therefore, taking these courts together, I may be considered as not making an outrageous statement, when I say that, on an average, two years elapse before a cause comes to be heard.

Now, my Lords, this is the grievance of which I complain. It is a grievance of great magnitude; and, in order that your Lordships may understand the nature and effect of that grievance, allow me to explain, what has, however, frequently been explained in this House,—namely, what is the meaning and nature of a hearing in the Court of Chancery. A hearing does not finally dispose of a case. In the greater number of cases, a decree is pronounced, by which certain other proceedings are directed to be taken. Thus, for instance, an issue may be sent to try a question of fact in a court of law; or an inquiry on certain points may be sent before the Master. The cause, then, is in the Master's office a year, — perhaps more. The cause is next brought back again into the court upon the Master's report; and if both parties are satisfied, — which is the most favourable supposition that can be made, — then the cause is again to be set down and heard on further directions, and then the interval occurs as before. If it happen — which is the more common case — that the parties do not concur in the Master's report, then exceptions to it are taken. Those exceptions are set down to be argued. A long time elapses before the argument and hearing come on, and a still longer before the cause is decided. I think that the statement which I have already made is sufficient to satisfy your Lordships of this; — that, if the cause involves any very considerable interest, and is at all of a complicated description, several years must elapse between its commencement, the issuing of a subpœna, and the final decision of it. The mischief is the delay which takes place between the first hearing of the cause and the time when the court is able to have it called on for decision. Allow me to point out the obvious inconveniences which arise from this course. Your Lordships are aware, in the first place, that, in a cause in the Court of Chancery, all the parties who are interested in the matter must be on the record either as plaintiffs or defendants. In every important cause there are many parties in this situation. What is the consequence? Parties on the record die; one life falls in, and then the cause abates. It must be revived by a new bill. It often happens that some three or four of these abatements take place in the course of a suit. Your Lordships will see, at once, the evil this occasions in a suit. Another evil, which is felt by all the courts in equity, is the "term fee." There are now 850 causes standing for hearing in the Court of Chancery. Suppose that each cause takes two years before it is heard, the mere term fees will amount to 7000*l*. This, however, is not the only evil; for not only is the term fee to be paid to the officers of the court, but also to the solicitors of the parties; so that, in proportion to the prolongation of the period before the cause is heard, is the amount of term fees paid to the officers of the court and to the solicitors. Then, the situation of parties changes, and thereupon it becomes necessary to file a supplemental bill, in order to shape the case to meet the new state of things, previous to the hearing. That, however, which is the greatest grievance of all, not only upon the public, but also upon the Court of Chancery, is, that the lapse of time renders motions necessary. These are supported by affidavits on one side, and opposed by affidavits on the other; and in them are involved questions of the most entangled description. All these motions arise out of delay. Accordingly, in the time of Lord Chancellor Hardwicke, he said, "I will not hear your motion, but the cause. The cause must be in progress, so that I can dispose both of the cause and of the motion at once." But the state of the business in the Court of Chancery in the present day will not allow of such a course; for parties would evidently invent motions for the purpose of advancing their own causes to the prejudice of other suitors.

I have endeavoured, my Lords, to state these evils with as much moderation as possible. I appeal for confirmation of what I have said to my Noble and Learned Friend on the woolsack, to my Noble and Learned Friend opposite (Lord Brougham), and to my Noble and Learned Friend the Master of the Rolls. I ask them, one and all, whether, in the statement which I have just made,—grievous as it may appear to be, to many of your Lordships,—there is any exaggeration? I rather think that I

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have understated the case, because I have not entered into details in treating upon it. The fact is, that the evil is great, is grievous, is intolerable. I could state cases of this description over and over again; but I will be content with stating one. A party is entitled to an annuity, charged upon property. That property is encumbered with debts. The trustee is unwilling to discharge his duty, and appeals to the Court of Chancery for protection. Years elapse; and, in the mean time, the family of the party entitled to the annuity cannot draw a farthing from it. They are, in consequence, either involved in want and misery, or are induced to raise money upon usurious interest, — a practice ultimately leading to their ruin and destruction. It is the duty of your Lordships to provide, not only for the effectual, but also for the speedy administration of justice. One of the earliest and one of the most revered maxims of our law is, that justice must not be sold, — that justice must not be denied, — that justice must not be delayed. The delay of justice, as my Noble and Learned Friend opposite, on one occasion, pointedly remarked, is equivalent to the denial of justice; and I believe that there are cases in which it would be much better for a party to have a decision at once against him, than to be hung up for years for a decision of his claims, even when the decision may be favourable.

I beg, my Lords, that, in the observations I have made, and am about to make, I may not be understood as casting any reflections on the noble and learned personages now presiding in the courts of equity. I am sure that the evil is not to be ascribed to them. My Noble and Learned Friend on the woolsack, and my Noble and Learned Friend the Master of the Rolls, I know, perform their duties most meritoriously and successfully. I make the same observation with regard to their learned coadjutor, the Vice Chancellor, who devotes all his time, all his learning, and all his energies to the business of his court. I do not ascribe the evils now prevailing in the different courts of equity to them. I believe that they work most successfully in the administration of justice. I believe that they devote more time to and exercise more energy upon it than any country ought to require of its judges. I am one of those persons who think that a judge should not occupy his mind totally with the administration of justice. There is not any pursuit which does not tend, if a man devote himself exclusively to it, to narrow the intellect and to contract the understanding. A judge ought to look abroad, and to cultivate literature and science, for the lights they so acquire reflect back on the bench, and afford force and vigour to the judgment they pronounce.

When I say that this state of things is not to be ascribed to any want of learning or energy on the part of the learned judges now presiding in the Courts of Chancery, I will endeavour to fortify what I have just stated by a reference to facts. I will not go back for them to a period more remote than twenty years. I will read an extract from a return made to an order of the House of Commons, and your Lordships will see from this what has been the state of things for the last twenty years. I find that in the year 1819, at the close of Michaelmas term, 950 causes were set down for hearing. I find that in the year 1824 the number was 906. I find that in the year 1829 it was 700. I find that in the year 1834, at the period when my Noble and Learned Friend opposite retired from the woolsack, — a period to which I shall presently advert more particularly, — it was only 491. I find that in the year 1835 it was 630, in a following year 746, then 773, and now it amounts, as I have already told your Lordships, to 850. You will find, my Lords, from these returns, that on an average of twenty years, the Court of Chancery has always laboured under the same aggravation of business, so far as regards the amount of causes standing for hearing. I have adverted, my Lords, to the period of 1834, as the period when the smallest number of causes was standing for hearing. I ascribe this fact, in part, to the able superintendence of my Noble and Learned Friend opposite (Lord Brougham), and to the extraordinary powers of despatching business enjoyed by Sir John Leach, who heard more causes in a given time than any judge who ever preceded, and I believe than any judge who happens to have succeeded him. I ascribe it also to another circumstance of the greatest importance; — I mean, to the fact that, in the year 1832, just two years before the period I am speaking of, the bankruptcy business, which formed no inconsiderable portion of the business of the Court of Chancery, was transferred to another tribunal. Yet, notwithstanding this, such has been the increase of business in this court, that the arrears are again augmenting, and there still remain 850 causes for hearing. I know, my Lords, that it has been said — and I am most anxious to vindicate the Court of Chancery on this point — that these evils did not exist in the time of Lord Hardwicke. I beg leave to observe that that is an entire mistake. There are various publications of that period which describe the Court of Chancery of that

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day as obnoxious to the same complaints which are made against it at present. In these, it is stated, that great delay prevailed in its process, and that there was the same want of decisions experienced, and, in a word, the same evils — which are now complained of. One of these publications was entitled "Animadversions on the Court of Chancery, and was published in 1756. But the answer usually given to this is, that the Court of Chancery was then in a different state from that in which it is now. It is true that there is now an additional judge in that court. It is true that the Court of the Master of the Rolls has been new modelled, and that the business in bankruptcy has been removed from the Court of Chancery. This is well worthy of consideration on one side; but then, again, on the other, the business of the court has, doubtless, greatly increased. According to a statement made from the woolsack by my Noble and Learned Friend about three years ago, it appears that the number of causes now set down for hearing exceeds, by three times, the amount of those set down for hearing in the time of Lord Chancellor Hardwicke. It appears that petitions — a very important part of the business of the Court of Chancery — now exceed the number of petitions in Lord Hardwicke's time by seven to one; and that the motions, which at present form so heavy a part of the business of the court, now exceed the motions of Lord Hardwicke's time in the very same proportion.

I think that this statement, which I have taken pains to verify by looking at the original documents, forms a complete answer to the complaints we hear made against that court; and to the averment that a Lord Chancellor, having the learning, vigour, and energy of Lord Hardwicke, would soon get rid of the accumulation of arrears now pressing so heavily upon it. That accumulation of arrears, my Lords, has existed as long as the Court of Chancery itself. We are told that when Wolsey gave up the great seal, there was an accumulation of arrears in the court over which he presided. I learn from the life of his distinguished successor, Sir T. More, that he devoted himself day and night, at the commencement of his judicial career, to get rid of that accumulation. We know, by reference to the celebrated speech of Lord Bacon, in the reign of James I., that the same evil existed in that day, and we know, also, that he pointed out a way in which he conceived that it might be remedied. We have also a right to draw the same inference from a statement of Bishop Williams, who said that, whilst he presided in the Court of Chancery, he had decided more causes in one year than had been decided in seven by any of his predecessors. I say nothing as to the satisfaction which his decisions afforded, either to the public or to the parties affected by them. In the time of Charles I. we find the same complaints respecting the delays and arrears in the Court of Chancery brought forward in the House of Commons. We find that Lord Coke declared that there was more business in the Court of Chancery than the Lord Chancellor or the Master of the Rolls, with all their industry, could possibly dispose of. We find, likewise, that a Bill was then brought in, and read a first time, for the purpose of appointing two additional judges to the Court of Chancery, to get rid of that arrear of business. What was the history of that Bill? It was abandoned; but for what cause is not clearly ascertained. In the reign of Charles II. we find, by reference to Roger North's Life of his brother, Lord Keeper North, that the same complaints then existed: indeed, he attributes the death of the Lord Keeper to the vexation which he felt from his inability to keep down the arrears of his court. The same complaints continued to be repeated in the time of Lord Somers, of Lord Cowper, and of Lord Hardwicke. There are persons now present, my Lords, who can carry back their recollection 50 or 60 years, and who can inform your Lordships that just the same complaints have continued from their earliest memory down to the present hour. Why have I stated all this, my Lords? To show that there is nothing personal in my motion — to satisfy you that there is no hope, by any mere change of the judge, to get rid of the evils of the system. Your Lordships are therefore bound to apply a remedy to these forthwith. Why it has not been sooner applied, it is not for me to say. A trial to apply a remedy was made, as I have already stated, in the time of Charles I., but was abandoned, subsequently, for some reason or other which has not been distinctly transmitted to us. But is that any reason why we should give up, for ever, the hope of a remedy? Here is a number of causes too great for the number of judges to hear and decide on. Here is a mass of business beyond their physical strength and energy to perform. No three judges could do it; and it goes on regularly increasing. What would you do, my Lords, in any similar affair? Take, for instance, the case of manual labour, where a quantity of work is to be executed in a given time. If you had not

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hands sufficient to execute it, you would put on more hands; you would call for greater power, until you had got power adequate to the emergency. Now, I maintain that the judges should be above their work, not oppressed by it. No man can decide rightly, who is always teazed to decide speedily. A judge ought to have time for deliberation, in order to satisfy the public and the parties on whose interests he is called to decide. When I had the honour of holding the great seal, I acted on this principle. I found it impossible to keep down the arrears in the Court of Chancery. The first thing I did was to see whether I could remodel the court of the Master of the Rolls. At that time, the Master of the Rolls sat four times a-week, but only three hours each evening, or about 12 hours in the week. In substance, he did not sit 12 hours in the week; for the Court of Chancery broke up earlier than it would have otherwise done, in order to let the counsel practising in it attend before the Master of the Rolls at six in the evening. I applied to my Honourable and Learned Friend the late Sir John Leach on the subject, and I asked him if he would give up his evening sittings, and sit in the morning, as the other judges were accustomed to sit. I owe it to the memory of that learned judge to say, that he agreed — promptly and at once — to my proposition. The effects of that change were soon discovered. The arrear was kept down; but still the measure was not, I contend, adequate to the occasion. I thought that it was necessary that something further should be done. I considered that permanent improvement was hopeless without some legislative measure. I therefore brought in a Bill on the subject, which I renewed in a subsequent Session, and which fortunately received the unanimous approbation of your Lordships. It was supported by those great lawyers, Lord Tenterden and Lord Eldon, and I believe by Lord Redesdale also. It went down to the other House of Parliament. I know not from what cause, — whether it was from party or from some other cause, — but my Noble and Learned Friend opposite took no part in it, — still, I believe, from some motive of party, it was there violently opposed. An Honourable and Learned Gentleman, a former colleague of mine, Sir C. Wetherell, distinguished himself by the strenuous opposition which he directed against it. The terms which he applied to the Bill itself, and to the prospective judges under it, were of the most extraordinary description. By the by, I recollect, now, that my Noble and Learned Friend opposite (Lord Brougham) did take a part in that opposition. He said that it would make the office of the Lord Chancellor a sinecure — that the Lord Chancellor would have nothing to do but to take the fees of his office, and that he would soon devolve all it duties upon his deputy. Whatever was the motive, the opposition to my Bill was carried on for two days with great vigour. A vote was, however, come to, at last, in its favour. In a few days afterwards the demise of the Crown took place, and the Bill was in consequence abandoned for the Session.

I merely state this to show that my views on this subject have always been the same, and that I have long thought that there were more causes to be decided in the Court of Chancery than the judges of that court were physically able to decide. Then, my Lords, if this be the case, you ought to have, and you must have, a greater number of judges. It is true that it may be a great inconvenience to establish a new court. It is true that it may be an inconvenience to the bar, and many persons connected with it. But let us look, my Lords, at the other side of the question. There may be an inconvenience such as I have stated; but that inconvenience bears no proportion to the evil which exists now, when causes of the deepest importance to the interests of families remain unheard and undecided from the want of sufficient physical force in your judges. One objection to the Bill which I proposed was continually brought forward in the other House of Parliament, and to it I will beg leave for a moment to advert, because it is material. At that time the business of bankruptcy was connected with the Court of Chancery — it occupied a considerable part of the time both of the Chancellor and Vice Chancellor; and a gentleman, now no more, who took the Court of Chancery under his protection for a great many years, always said, — "Why not detach the business of bankruptcy from the Court of Chancery? That will give sufficient relief; it is unnecessary to appoint an additional judge; the object will be attained by relieving the court of its bankruptcy jurisdiction." I objected to that course, — first, because I thought the relief would be altogether insufficient; and, next, I objected to it because I considered that the appellate jurisdiction in cases of bankruptcy was better vested in the judges of the Court of Chancery than in any other tribunal. The experiment, however, was tried by my Noble and Learned Friend opposite (Lord Brougham), very soon after he accepted the great seal. I say not whether the appellate tribunal that has been substituted in lieu of the Court of Chancery be or be not an

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improvement, because it has nothing to do with the present question; but I advert to the separation of bankruptcy from the Court of Chancery for this purpose, — to show that I was right in the opinion I then gave, that the relief thus afforded would not be sufficient. The separation, undoubtedly, relieved the Lord Chancellor and the Vice Chancellor to a considerable extent; but the increase of business was more than commensurate with that relief; and the change made no alteration, substantially, in the amount of the arrears. Three years ago my Noble and Learned Friend on the woolsack brought forward his measure for the reformation of the Court of Chancery. I then again suggested, for the last time, what I have always considered the most simple and appropriate remedy; but I was told that my measure was too narrow — that it was mean and scanty in its object — that my Noble and Learned Friend had a much more extended scheme to new model the Court of Chancery and the whole appellate jurisdiction. His plan, however, did not meet with your Lordships' approbation, — nor even my Noble and Learned Friend's opposite. My Noble and Learned Friend on the woolsack would not accept my proposal; and nothing, from this time to that, has been done upon the subject.

I will tell your Lordships what has always been my course upon this question. The Noble Viscount opposite (Melbourne) introduced the other evening the phrase "progressive reform," which most appropriately described the course which I have always pursued with reference to the Court of Chancery. My object was to carry into effect all the orders of the commissioners, which were directed to simplify the progress of the cause up to the time of hearing; but I said, and most naturally, — "What is the advantage of expediting a cause up to the time of hearing, unless you afford further facilities for hearing? The cause would stop, though at another stage." Accordingly, the next step I took was to suggest further means for the hearing of causes. There I was defeated. My next object, as I over and over again stated, would be, if that immediate object had been accomplished, to direct my attention to the appellate jurisdiction of the court. I considered it premature to endeavour to reform the appellate jurisdiction until I had first taken the means for reforming the great and grievous defect, — the deficiency of the power for hearing causes. When it was suggested that a new judge should be appointed for the purpose of facilitating the hearing of causes, it was met by this observation, — "What good would you do by it? You will only increase the number of appeals, and the Court of Chancery is already blocked up with its appeals." I never considered there was the least weight in that objection; for this reason: — Suppose there are 800 causes to be heard, and a certain proportion, 50, the subjects of appeal; by hearing them all, 750 are disposed of, and the other 50 remain for appeal; but it is just as well for them to remain in that stage upon appeal, as for original hearing, because they still would have been left for hearing. There is no validity in the objection, even if it applied at all: but it does not apply; for the appeals are to a very great extent disposed of. To my Noble and Learned Friend opposite (Lord Brougham) we are mainly and entirely indebted for this. When he took the great seal there was a great arrear of appeals; and when he left, there were only 26 appeals remaining, which, I understand, are now reduced to 16 or 17. My Noble and Learned Friend disposed of 140 appeals in one year. I know he sat up day and night, and worked most laboriously, for the purpose of accomplishing that object; — and that object he did accomplish. There is at this moment no arrear with respect to appeals; and, therefore, the argument to which I refer does not now apply. But it is said that the Chancellor can now devote his time to original causes. I believe that, last year, my Noble and Learned Friend on the woolsack heard between 60 and 70 causes: but I don't believe that he has lately heard many original causes. I am told that appeals are on the increase: and I know, from the state of business in this House, that it is impossible to give any effectual attendance on original causes. There are 100 appeals undecided: 40, or nearly 40, have been heard, and are waiting for judgment; and 60 remain to be heard, with only about six weeks of the Session before us.

I have now, my Lords, pointed out the evil, and what appears to me the practical remedy. What makes the want of the application of this remedy the more extraordinary, is what I am now about to mention — the state of the Court of Exchequer. The Exchequer is a court of equity, as well as a court of law; they are separate and distinct from each other. The Court of Exchequer in equity has all the machinery of the Court of Chancery — it has all the offices, all the officers, everything necessary for the purpose of constituting a proper court; but there is

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no judge. You have a court without a judge, as far as equity is concerned. Let me not be mistaken. My Noble and Learned Friend, the Lord Chief Baron, when he can be spared from the common law business, sits in equity; Baron Alderson, too, when he can be spared, sits in equity; and both administer justice on the equity side, to the perfect satisfaction of the bar and the suitors. But this is done to the great inconvenience of the common law business of the court; and, in the next place, not one third of the time which a permanent judge could give in equity, are they able to devote, in consequence of their other duties. Not only is this so; it is productive, also, of this great inconvenience; — there is as much common law business in the Court of Exchequer as in the Queen's Bench, — there is the same establishment of judges; how inconvenient, then, — the judges of the Queen's Bench not being too numerous, — to draw away one of the judges from the Exchequer for the purpose of administering justice in a court of equity? I have conversed with those learned persons, and they tell me that the inconvenience to the court on the common law side is extremely great. It is extraordinary that we should not have five judges devoted exclusively to the business of common law; when the Common Pleas, so greatly inferior to the Exchequer, has five judges entirely occupied with the common law business of that court. What, then, is the obvious remedy? To appoint a permanent judge on the equity side of the Exchequer. Leave the five common law judges to administer the common law of that court, and appoint an equity judge to preside over the equity side. Is not this an obvious remedy? Why not adopt it? What can be more plain, simple, and rational? What objection can possibly be urged against it? It is not the first time I have made this proposition. I have made it over and over again; but by some fatality, when the Court of Chancery is concerned, no two persons can concur in opinion, and nothing is done. But I am not wedded to this particular mode of getting rid of the evil. If my Noble and Learned Friend on the woolsack, or my Noble and Learned Friends opposite (Lords Brougham and Langdale), think any other means better calculated to attain the object in view, — if they think it better to have another judge of the Court of Chancery, instead of having a complete equity judge in the Exchequer, — I will accede to their proposition. I will do still more. I say that such is the present state of equity business, and such would be the increase of equity business, if there was the power to carry it on, that there would not be too much force if there were both an equity judge in the Exchequer, and an additional judge in the Court of Chancery. This would be attended with the additional advantage, that it would enable one of those judges to act as permanent president of the Judicial Committee of the Privy Council. That court will never be a completely effective court, palatable to the bar and to the suitors, until you have a permanent judge presiding in it. My Noble and Learned Friend opposite. (Lord Brougham), whenever his important avocations admit, presides there with great advantage to the suitors and the public: but that is merely temporary; we are to look forward to the future; we shall not always have the assistance of my Noble and Learned Friend in that department; and I think, therefore, one of the most important beneficial consequences of the measure I propose is, that it would give a permanent president to the Judicial Committee of the Privy Council. This is necessary, above all things, from a consideration to which I must, for a moment, allude. The consideration is this; — the Judicial Committee of the Privy Council is conversant, not with equity alone, not with common law alone; but it has to administer Spanish law, two different kinds of French law, and Dutch law; it has to direct its attention to all these various departments. How important, then, is it that it should have a permanent president, in order that he may feel it his duty to qualify himself to administer justice in such complicated matters with satisfaction to the suitors of the court. Another practical advantage, of no inconsiderable importance, which would result from this, would be, that the bar of the learned judge would follow him from his equity court to the Privy Council. The bar would also become possessed of that information on all matters of foreign and international law, which is necessary to the sound administration of justice; there would thus be a permanent bar and a permanent judge to administer justice in one of the most important tribunals of the country. I would appeal to the Noble Marquess opposite (the Marquess of Lansdowne), the Lord President of the Council, who has had the opportunity of witnessing the proceedings in that court, and the nature of the business which comes before it, whether what I have stated is not correct? and whether benefits the most important would not result from the adoption of the measure which I have proposed?

I have endeavoured, my Lords, to con-

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fine myself, according to what I stated at the outset, to one point. I have not gone into the various considerations that present themselves as connected with the Court of Chancery. They are complicated beyond measure. But here is one evil on which I place my finger, — a grievance the most heavy that prevails in that court, — namely, the arrears of causes set down for hearing. It is to that I apply my present remedy; and I trust I shall be successful in proportion to the simplicity and singleness of my view. If I had entangled it with other matter connected with the court, your Lordships would have lost sight of my real and main object. It is because I am desirous of obtaining a practical remedy to a great practical evil, that I have confined myself to this view of the case. I know there are persons connected with the profession, who say that you should begin at the other end; that you should, in the first instance, consider the appellate jurisdiction, and new model the whole system. I answer, I will not embark in that course: different opinions exist with respect to it, and to the best means of attaining the end proposed; but if we once engage in a controversy of that kind, the object I have in view will never be attained. My Noble and Learned Friend on the woolsack, three years ago, brought forward his plan for a reform of the Court of Chancery. It was not approved of by my Noble and Learned Friend opposite (Lord Brougham). He, also, had a plan, much more comprehensive and much more extensive than my Noble and Learned Friend on the woolsack. My Noble and Learned Friend the Master of the Rolls (Lord Langdale) has also a plan for the reformation of the appellate jurisdiction of the Court of Chancery. I say nothing as to the merits of these respective plans. I do not wish to interfere in this war of giants, — I do not think myself safe within the wind of such commotion, — I wish to take a humbler course. *Cautus nimiùm* may be said of me: I admit, too, the *timidusque procellæ;* it is, because I fear the storm, that I have not taken a more extended course. And now, having pointed out what I consider the proper remedy for the practical evil which I have exposed, I leave the case in the hands of her Majesty's Ministers. I shall be asked, "Do you mean to introduce a Bill?" I answer, distinctly, "No." I might succeed in carrying a Bill through the House; but, I fear, the probability is, it would, somehow or other, share the fate of my former Bill in another place. I wish it should have a father that can better support and protect it in the warfare in which it must engage. I think my Noble and Learned Friend on the woolsack, or some Member of the Government, if they agree in the general view I now take, ought to bring in a Bill upon this subject, If they do so, the measure shall receive my most cordial support; because, I own, I am anxious for the attainment of the great object I have in view, — not merely as a member of a profession with which I have been long connected, but, above all, because I think it of the utmost importance to the interests of the suitors, and of the community at large. My Lords, I beg leave, in conclusion, to move, as a matter of form, for the Return of which I gave notice on a former occasion; namely, "A Return of the number of causes standing for hearing before the Lord Chancellor, the Vice Chancellor, and the Master of the Rolls, on the 1st of June, 1839, including exceptions, further directions, pleas, and demurrers."

LORD BROUGHAM. — In presenting myself thus early to take part in this most important discussion, I have to acknowledge, as I am always ready to do, the great ability of the statement of my Noble and Learned Friend who has just addressed your Lordships. As no man expresses himself more clearly, so I believe I may say few men think so well on any subject to which my Noble and Learned Friend applies his vigorous understanding; and on a matter which has occupied his thoughts so long, and on which his own experience is so large, and which now, for the third or fourth time, he has brought under the attention of the House, it might well be expected that that vigour would not be applied in vain. I have, accordingly, but one objection to his statement, — and that refers solely to the latter two or three sentences of his most lucid statement. I grieve that my Noble and Learned Friend does not take the matter into his own hands. I am convinced that a measure matured by him, digested under his own immediate inspection, with the lights which he has, and the assistance out of doors which he could command, would have the certainty of insuring the respectful consideration of Parliament, and every chance of its final sanction. I am not quite so sure of its fate, if it be left to my Noble and Learned Friend on the woolsack. It is true, undoubtedly, as my Noble and Learned Friend (Lord Lyndhurst) has stated, that the subject was recommended, generally, in the Queen's Speech; but so were many other matters. For my own part, I am rather alarmed that the subject was mentioned in the Speech from the throne. If

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it had not been referred to at all, there would, perhaps, have been a better chance of something being done with respect to it. My comfort, however, is, that it has not been the subject of a Royal Message. If it had been, I should not have been much surprised if some of my Noble and Learned Colleagues had proposed to put off the measure on the subject till the year of Grace 1842! However, as it has not been messaged as well as speeched, the Chancery reform has still a chance of being taken up within some reasonable time. It is impossible to exaggerate the importance of this question. Far from overstating, my Noble and Learned Friend has, indeed, understated the case.

My Noble and Learned Friend has mentioned the different plans which have been brought before Parliament at various times;—my own, the measure introduced by my Noble and Learned Friend on the woolsack, and the proposition of my Noble and Learned Friend the Master of the Rolls, which was never embodied, I believe, in a Bill. Having been much blamed for my own plan, I will take this opportunity of stating, that I had many reasons for not pressing on Parliament any larger measures of Chancery reform than I have propounded, and some of which have been carried into effect. One reason was this;—I had undertaken to attempt the reform of that court on a large scale; but I had a very great inclination of opinion,—I will not say before trial, but—as strong an inclination of opinion as,—speculatively and prospectively, I could entertain,—that part, and a very great part, of the delay in the Court of Chancery was owing to the neglect—God knows I cannot say the incapacity—of those who administered it;—or rather to the multiplicity of their concerns, and a habit which some of them had got into of not deciding the causes when brought before them. I am now stating—after the death of one of the greatest, perhaps the greatest, lawyer who ever lived—what I said, repeatedly, during the lifetime of Lord Eldon, and in the hearing of his celebrated brother, then a Member of the other House of Parliament,—that he had all the great faculties of a most illustrious judge, the most profound learning any lawyer in this country ever possessed, the utmost possible subtlety with which a human mind could be armed, the greatest industry and perseverance with which it is possible for mortal man to be gifted; but that he had—not originally, but—acquired, a very bad habit, which grew on him, of not attending (such is the real truth) to the arguments of the counsel who were arguing before him;—the prolixity of counsel securing the inattention of the judge,—the inattention of the judge increasing, by reaction, the prolixity of the bar,—till, at last, he decided cases at great intervals of time after hearing the arguments—not so much upon those arguments, as upon his own judgment, formed by reading the whole of the papers in the cause. That, undoubtedly, was a great misfortune both to Lord Eldon and to the profession; but it became, latterly, an inveterate habit which he could not get the better of. My opinion, therefore, is, that a judge of infinitely less learning and capacity might get through more work by applying his mind more closely to the business of the court, and adopting a more judicious arrangement; by sitting a greater number of hours each day; by acting on a maxim which might be applied to time as well as money—"Take care of the minutes, and the hours will take care of themselves;"—by coming into court, not when the clock strikes three, but regularly when it strikes ten. I stated this in the House of Commons; and it was on these grounds that I assisted in throwing out my Noble and Learned Friend's Bill. My Noble and Learned Friend is much mistaken if he thinks I did not take a share in throwing out the Bill: I took an active part against it, because I thought it a needless measure; and I took to myself the principal share of the praise or blame to which its rejection might give rise. During the recess which ensued on the demise of the Crown, I was asked whether I would renew my opposition in the event of the Bill being brought forward again? I answered that I certainly should; and the Bill was in consequence withdrawn.

LORD LYNDHURST.—I hardly remember the circumstance; but I know there was a majority of 41 in favour of the second reading.

LORD BROUGHAM—Oh! that was no very great majority; we were then in the days of efficient majorities, and 41 would have been reckoned but a small one. When I took the great seal, I was bound to act according to my own feelings of what was proper; and if I had proposed to create a new judge for the relief of my own court and my own ease, it would have been said at once, "Oh! you have, now, totally changed your opinion: you were against the creation of a new judge formerly, when you were at the bar, and had no interest in the matter; but now, when you are overwhelmed by the load of business, you confess that you were wrong and that we were right; you fly for help to the quarter whence no help was to be sought, and

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hasten to increase the number of judges." It was quite clear that, on this account, I could not do any such thing; but I had another reason, for my opinion remained unchanged; andfurther reflection and nearer acquaintance with the state of matters only confirmed that opinion. What, then, was my bounden duty? I apprehend no one can deny that it was—to act on my own principles, and try all means, however feeble and however inferior to those of my predecessors my own energies might be, to grapple with the giant evil and keep down the arrears, and thus prevent the business from becoming entirely unmanageable. That was the principle on which I proceeded; and, if I had failed, I would then have had recourse to the remedy of my Noble and Learned Friend, and would have become convinced that there were fatal objections against the system, not of a personal nature, and that there must be another judge. I agree with my Noble Friend, that we ought not to be deterred from adding another judge, by any consideration of expense; for the expenses incurred from the number of arrears, would much more than support another judge. The fees levied by the court—independently of the expenses of the solicitors employed by the parties, and the expenses of additional motions made in court—would more than defray the additional judge's salary. It is not very pleasant to refer to my own experience whilst I presided in the court; and it would be intolerable if I were obliged to institute invidious comparisons between myself and others; but, as it may assist your Lordships in coming to a just conclusion on the question of the necessity of additional judges, I will shortly state what I have, myself, done. When I took the great seal, there were 125 appeals in arrear. Original causes had not been heard by the Chancellor since 1814, when the Vice Chancellor's Court was created. During the first year, in order to prevent a further arrear and satisfy the suitors, I heard the enormous number of 140 causes, besides a great number of motions. The result was, that the list was gone through, and, at the end of the year, only eight appeals were set down. When I asked if there were any of those which could be heard, the reply was, "None whatever;" and if I had forced any of them on, it might have had the effect of causing an appeal in matters which would otherwise have been compromised by the parties. Thus, by a year's exertion, all the arrear was got rid of in the Chancellor's branch of the Court of Chancery, as well as all the arrear in the House of Lords. The number of appeals from my judgments in the Court of Chancery was unprecedentedly small,—only seven or eight out of the enormous amount of causes I had heard; and of these, three only were reversed. I have a right, therefore, to say, that there was no overhaste,—that the business was fully done. All this was effected under the old state of the powers of the Court of Chancery; and I sat five or six weeks in bankruptcy that very year,—there being then as much bankruptcy business as there had been under any of my predecessors. I mention these things, rather as bearing on the question before your Lordships, than for the purpose of controverting the grossly ridiculous assertions made out of doors by some members of the profession; such as that my Noble and Learned Friend, on the woolsack, is the first Chancellor since the institution of a court of equity, who has heard original causes. This has been stated by a Member of Parliament, and of the bar; yet the fact is, that Lord Eldon was the first Chancellor who did not hear original causes; the hearing of such causes having been discontinued only since 1814. Grosser, coarser, more stupid ignorance than these learned persons have been guilty of, I cannot conceive; and yet I am sorry to say that the statement was made in the presence of some officers of Court of Chancery.

LORD LYNDHURST.—No person at all acquainted with the Court of Chancery could make such a statement.

LORD BROUGHAM.—Certainly, no person acquainted with the Court of Chancery in England. It has also been said, "that my judgments were beacons which succeeding Chancellors ought to avoid." No misstatement, than this, can be more gross; the wildest imagination, the most reckless disregard to truth, cannot go further. Yet what increases, if that be possible, the utter absurdity and shameless falsity of this assertion, is, that the very same person who now talks of my judgments in this way, did,—on the 25th of May, 1838,—in a company of 4000 persons, and in my own presence, state that I was the first judge in equity who had ever—an equally gross exaggeration, God knows—shown the suitors in Chancery that they might have good judgments with speedy despatch of business together. This is the person who, because his public conduct has been commented upon by me, has now discovered that my judgments were only good, as beacons to scare future Chancellors! I pronounced no new judgment between May, 1838, and March, 1839; so that this *dictum* must have been uttered

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after a reconsideration of those volumes of judgments with which I have encumbered the shelves of the profession. When holding the great seal, I formed a determination never to lose half an hour at the beginning of the day, or an hour at the end; to avoid going to court, — for surely nothing can be more absurd than for a Chancellor to dance attendance on drawing-rooms; to avoid as much as possible Cabinet meetings, and confine myself to the judicial business. These were the means by which I got rid of the arrears. It does not at all follow that this could be done every year. It was very kindly said by my Noble and Learned Friend on the Woolsack, that this close application to business occasioned my illness and absence from Parliament; but my Noble and Learned Friend was in error. I was perfectly well in 1833, and in 1834 I had never been better in my life; it was the hard work I went through in this House in 1835, and especially when the Municipal Corporations Reform Bill was before it, which broke my health. Some of my Noble Friends opposite may be inclined to consider it as a judgment upon me; but the five or six weeks of unremitted exertion, through which I passed, — and the great pains which my Noble and Learned Friend opposite (Lord Lyndhurst) took to thwart me, and defeat the Bill, — (thus far more than repaying any service which I had rendered my Noble and Learned Friend, by causing the loss of his Chancery Bill, in 1830,) — caused my subsequent retirement from this House. If the arrears of appeals were now got rid of altogether, and the Chancellor could hear original causes, then the Chancellor would be restored to his pristine functions, — to the title of an original, not an appellate judge, — and the judicial power of the court would be increased one third. I hope my Noble and Learned Friend opposite will not suppose I am obstinately adhering to an opinion which experience has proved to be wrong; all that I wish is, that both sides of a cause shall be heard before it is decided. My Noble and Learned Friend has said that the business of the Court of Chancery has been increasing constantly and greatly since the time of Lord Hardwicke. No doubt there has been a great addition in the number of Bills filed. But I wish to press on the attention of your Lordships, that some of the sources which formerly produced a vast amount of business have been cut off. We must not look on the present judicial powers of the Court of Chancery as being the same that they were in former days: they have been very greatly increased; insomuch, that even if the amount of business in the court had been doubled, its powers would have increased in the same proportion. Thus, by the creation of the Vice Chancellor's Court, the judicial authority has been increased more than 50 per cent. within the last 25 years. I say more than 50 per cent., because the Chancellor has it not in his power to devote his whole time to his functions, as head of the Court of Chancery: his political duties, and those of the appellate jurisdiction, occupy great part of his time. My Noble and Learned Friend will bear me out in saying, that much less than half the present amount of business was in the Chancellor's branch of the Court of Chancery before the creation of the Vice Chancellor's Court. So that, by the new court, the judicial power is increased at least 70 per cent. But that is not all. My Noble and Learned Friend has made a great reform in the Rolls Court. Formerly, that Court sat in the morning only four weeks in the year, and never on Saturday evening. On an average it sat three days and a half in the week, and four hours each day, or 14 hours a week. But my Noble and Learned Friend sits six days in the week, and six hours a day, or 36 hours a week.

LORD LANGDALE. — The whole weekly time of sitting is thirty hours.

LORD BROUGHAM. — Well, thirty hours. Thus, taking into account the creation of the new branch, and the changes made in the Rolls, the judicial powers of the court have been very nearly trebled. The business of the recorder's reports is withdrawn, which used to take up very many hours; but that is a trifle, compared with the change I am about to mention. The Chancellor is relieved from the bankruptcy business, which formerly occupied six or seven weeks a-year, and he is not deprived of the power of sitting a greater number of hours, daily, than Lord Eldon was wont to sit. Taking all these things into account, I cannot exaggerate, when I say that the judicial power has been very considerably more than doubled since the commencement of the present century. That is, surely, a pretty large addition; and to this must be added the assistance which is now given in the Master's office, by an arrangement, trifling indeed, but very convenient, that saves an hour daily of the Master's time. When I came to take the great seal, it was necessary that the Chancellor should be attended at the court by two Masters.

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A more useless form never existed; yet, when I abolished the custom, it was said to be a horrid innovation, to do away with the attendance of the Masters, who added so much to the dignity of the Chancellor, and aided the court so much in matters of business. If this aid were really given, it must have been given at the distance of Chancery Lane; for all that was done was, that the Masters came down to the Court, bowed to the Chancellor when he came in, received an obeisance in return, and then went back to Chancery Lane. Thus, however, at least an hour of their time, daily, was generally wasted, which, by doing away with this custom, is gained for more important duties. I thought all these changes sufficient, after I had once reduced the arrears, to prevent the business from becoming, in future, at all overwhelming to the Chancellor; and therefore I saw no reason for increasing the number of judges. On the contrary, it appeared to me that, if my Noble and Learned Friend now on the woolsack, but then Master of the Rolls, continued to preside in that Court so ably as he did, and that some arrangement could be come to with the Vice Chancellor, by which that judgeship might be abolished, and things placed in the same position as they were in the beginning of Lord Eldon's time — it did appear to me at the time I am speaking of, that it might be possible for the Chief Judge in Chancery, by means of great exertion certainly, to go on without arrears, as had been the case under Lord Thurlow, and also under Lord Loughborough. I was aware of the immense number of causes in the inferior courts. I was aware that my Noble and Learned Friend behind me (Lord Langdale) heard, at the Rolls, on the average of several years, as many as 507 causes per annum, and that in one year he actually heard 1000 causes; I was also aware that the Vice Chancellor heard a great many causes yearly; — I was aware of all this; but my opinion was not materially altered in respect of the plan I have adverted to. The making of more judges is, in my mind a clumsy, and, I will say, a vulgar mode of remedy; at all events, in contemplating any such remedy, never let it be forgotten, that it was not till after the establishment of the Vice Chancellor's Court that the increasing pressure of business began to be most seriously felt in the Court of Chancery, by reason, chiefly, of the appeals from the Vice Chancellor.

LORD LYNDHURST.— The increase of the general business coming into all the equity courts was very great subsequently to that time.

LORD BROUGHAM. — No doubt the increase in the general business was very great; but hardly sufficient, I am disposed to think, to account for the whole of the increase which then began to be so much felt. But, however this may be, still I am not quite convinced, yet, that increased exertion would not keep down the arrears in Chancery. But to an increase of judges my objection is insuperable: and among other reasons for it is the extension of patronage which would thereby be conferred on the Crown; for extension of patronage is one of those things to which I object still, — being, myself, still a Whig, whatever others may be. But, besides, I think this is a dangerous remedy, for this reason; — it is teaching a very bad lesson to judges, to tell them, that if they do not exert themselves strenuously, they will always get help from Parliament by means of a legislative increase of their numbers. I have reason to know this; I know it right well; for I had not been six months upon the woolsack before I was applied to by some of the common law judges to sanction a measure for increasing the number of judges, in consideration of the great increase of the arrears of business in the common law courts. But I said, "No, no; no more judges must be made. Let the reaction increase as the pressure is augmented, and greater exertion be made in proportion as the business to be discharged grows greater. Do this, and don't fly to that baneful remedy — that *mala praxis* — of adding to the numbers of the bench." This was what I said. What was the result? The arrears in those courts were got rid of; and, as I am told, there are no symptoms of similar arrears getting up again. I think this goes to show that the practice of increasing judges is a bad one; and I am only now the more confirmed and more steady in that opinion than I have been heretofore. However, I do not lay down this as a peremptory opinion: I wish the House, and especially my Noble and Learned Friend, to weigh well this part of the subject, with a view to coming to some deliberate determination on it. I come now to another point. Your Lordships must either give the new judge an ultimate jurisdiction, without appeal, — which no man will maintain you ought to do, for there ought to be no court of such a nature constituted with ultimate jurisdiction, — or you will give a right of appeal. But by this plan you will most materially increase the total number of appeal cases in equity; and these must come either to the Chancellor or to the House of Lords; for, if you follow the present prac-

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tice of an appeal to the former, followed by an appeal to the latter, you will surely increase the arrears of appeals both in the Court of Chancery and before the House of Lords. Now, one of my plans, with which my Noble and Learned Friend seems to have made merry in my absence in 1836, — though not on very sufficient grounds, as it appears to me, — was — to give an election in appealing. But, under the plan of having three judges, — a Chief Judge in Chancery, a Master of the Rolls, and a Vice Chancellor, — is the new judge (let me ask) to have an appellate jurisdiction over the Master of the Rolls and the Vice Chancellor? If so, you will first fall into the same evils, to a great extent at least, with respect to delay and expense, as you suffer from at present, — I mean the evils of a double appeal. And the effects of this evil will be felt much more, by suitors in the courts below, than in the House of Lords; for the sort of appeals which take place below are numerous beyond measure, as compared with those which come up to your Lordships' House; but still, you will be overwhelmed with appeals in this House. If, on the other hand, you do not give an appeal jurisdiction to the Lord Chancellor, then parties, who may be dissatisfied with the decisions of the courts of equity, whichever of them it may be, must come immediately to this House; — a course which will amount, in many cases, to an absolute denial of justice; for the unsuccessful suitor will often sit down under a decision with which he is by no means satisfied, rather than encounter the delay and expense attendant upon an appeal to your Lordships under the present system. While, therefore, on the one hand, to give dissatisfied suitors in the equity courts no resource but an appeal to the House of Lords, will often work, under the present system of administering justice, as a denial of that justice; on the other hand, if there be no appeal at all, it will be found that the judges will at length come to act with less care. For, if there be certain classes of cases in which an appeal lies, and certain others in which it does not, judges will always apply themselves with more attention and care to those cases in which they know that their decisions are liable to come under the review of another and superior court, than they will to those cases over which they have an ultimate jurisdiction. I have, myself, had occasion to observe instances of this in the decisions, in bankruptcy, of some of my predecessors on the woolsack, who, though unquestionably very learned judges, certainly came to conclusions in some cases which displayed a remarkable inferiority in the qualities I have mentioned as distinguishing them, — as compared with their judgments in other cases, where they were not, as in the former class, exercising an ultimate jurisdiction.

My Lords, this, or something like this, must be the case, if all the courts of equity are to act without any right of appeal within themselves. Now my plan was, either to give an appeal to the chief judge in Chancery, or to come to the House of Lords *per saltum*, — a course to which, be it remarked, under the operation of the rest of my plan, the objections I have just made to appealing immediately to the House, as at present constituted, as a judicial tribunal, will not apply; for all appeals on minor cases would come before the chief judge in Chancery; all the important ones would come before your Lordships, presided over by the Lord Chancellor. But if the table were then to groan under an accumulation of appeals, would a stoppage take place? No; for this over accumulation would relieve itself, acting like the governor of a steam-engine, which opens a valve when the pressure is too great. Whenever the appeals became too heavy, then those suitors who wanted justice, and not delay, would go away, or would apply to the appellate jurisdiction below. Whenever, again, the appellate jurisdiction, below, became overcharged, it, in like manner, would right itself; those who wanted justice, and who did not address themselves to an appeal court only for the purposes of delay, — those, in fact, who were *bonâ fide* appellants, — would come before your Lordships. But it may be objected, "We should be afraid of increasing, to a vast amount, the pressure of appeals, here." My answer is, that the plan, which I speak of, gives great judicial force to this House, because the judge who presides in it would give his whole time to that duty and to the presidency of the Judicial Committee of the Privy Council, and not to a court of his own.

I am glad that my Noble and Learned Friend has named the Judicial Committee, for it gives me an opportunity of saying, that I admit, as readily as any man, its defect in wanting a head: this was a defect in its original constitution; and I always said that you ought to have a vice-president of it, who should be paid an adequate and fixed salary. This system, I am convinced, would not have the effect of increasing the appeals either before your Lordships or the inferior courts.

Having thus stated my views of, and touched upon some of the doubts and apprehensions I feel in dealing with, this

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part of the subject, I now come to what appear to me to be the two most important questions of all, — I mean the question of the propriety of separating the judicial from the political character of the Lord Chancellor, and the question of a better construction of a court of appellate jurisdiction. With respect to the former point, no person goes further than I do. If it can be done, in my opinion, it ought to be done. As regards the judicial functions, the only difficulty with me is, that the Speaker of your Lordships' House, as being appointed by the Crown, can never be permitted by your Lordships to take that position, with respect to the control of the proceedings of this House, which the Speaker in the other House of Parliament, as being elected by the Commons, is invested with, and exercises there: and if the Speakership were made an independent and permanent office, and were well paid, it might soon, possibly, fall into the hands of persons who should be of no talent, but only able to do that which an automaton might almost do, namely, — to put the question on any motion, and declare whether the ayes or the noes had it, the House saving the trouble of deciding that. The Speaker of this House must, therefore, I think, be a person invested with the judicial character; he must be a judge, because your Lordships' House is a judicial body; and, as the majority of your Lordships are not lawyers, the principal part of the judicial power exercised by your Lordships must be placed in the hands of the president of your Lordships' House. This officer ought, therefore, to be a judge; but if the three judges in equity were constituted according to my plan, then this officer, whenever he saw fit, would have the power of calling to his aid, while sitting on appeals here, any one or two of the three judges in equity, below, to assist the judgment of the House, just as you occasionally, now, summon the common law judges to assist you. Now the other difficulty relates to the political position of the Lord Chancellor, and is such as to render the separation I aim at scarcely possible, I am afraid; for such a separation would be quite overthrowing what has been, from early periods, an invariable custom of Government. However, it ought to be done. It is quite anomalous to see a judge sitting in Westminster Hall, and deciding alone, — having no certain rule in the statutes, nor even uniform guidance from precedents, to help his decisions; but deciding, almost wholly upon his own discretion, governed only by his own conscience, questions not merely of the most important nature, but questions of the utmost delicacy; and this, too, knowing that he is liable to be removed by the Crown at any moment. Many cases occur, in which the interests of the Crown are directly concerned, and which are questions of the utmost delicacy for a judge, so placed, to be called upon to decide; inasmuch as the interests of the Crown are often directly involved. I, myself, very well remember a case coming before me when I held the seals, in which the interests of the Crown were involved, to the amount of 60,000*l.* or 70,000*l.*, — the question actually being, whether so much should be put into the privy purse, on account of the revenues of the Duchy of Cornwall, or not. I felt the delicacy of my situation, and suggested to the counsel for the defendant that I should be glad to have the assistance of another judge, or, if he chose, two judges. But the counsel thought it much better for his client that the cause should go on before me alone. It is quite necessary, therefore, where there are so many questions of great delicacy, not only of a political, but, also, of a personal nature, — such as questions relating to wards and guardians, to married women, and various other parties, — that the two characters of the Chancellor's office should be separated. I could tell your Lordships of Chancellors who have given political judgments in certain cases which have come before them, — judgments which did not admit of a doubt as to their political bias: these have been thought to be wrong, yet they have long been felt very difficult to get rid of, — indeed, they are hardly got rid of yet, because they form precedents. Hence, I am entirely for separating the political from the judicial functions of the Chancellor.

The second point is the construction of a better court of appeal; but I feel all the difficulty of arranging the right of appeal between the intermediate court and the court of first instance. I am inclined, however, to give it to the second of these, in order that the court of appeal may be well qualified to settle causes satisfactorily, and to do its duty with sufficient experience, and with a daily knowledge of matters of practice, — a knowledge, that is to say, which should be kept up by practice from day to day; in short, in order that that judge may establish claims to the public respect and confidence, as well as acquit himself to his own satisfaction, by his mode of discharging business. It is difficult, in my mind, to imagine how a court can be constituted properly, if the judge who presides in it sits there to adjudicate appeals alone. It is not in the law, as in the accurate sciences, where great

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principles and their applications, once learned, are not readily forgotten. My Noble and Learned Friend near me (Lord Langdale) is probably just as able to solve a problem in mathematics, now, as when he took his degree as senior wrangler at Cambridge; and so is my Noble and Learned Friend opposite (Lord Lyndhurst): but nothing similar to this holds respecting questions of law. Thus, I doubt, if your Lordships were to take the most experienced and able lawyer in Westminster Hall, where the statutes are so much studied and so well known, and where discretion is so much less exerted, and place him, alone, as judge in a court of equity,—whether he would not be found to have forgotten his law in a short time; and I doubt, also, whether his judgments, on such points, would give much satisfaction in general, or whether he would feel much satisfaction in his own judgments, if he did not keep up his habits of technical and practical acquaintance with the details. If he did not keep up such habits, he would probably soon quite get out of them. So much is this the case, that I remember having had to ask the opinion of Sir William Grant on a point of law, about a year and a half after he had been made Master of the Rolls; and he, with his habitual candour, said, "Probably the law is so and so; but my opinion is not worth a rush,—I have been above a year out of practice." It is highly important, therefore, that the appellate judge should not sit on appeals, alone. The judge who sits on appeals sees nothing but the great and important questions; nothing of practice ever comes before him; and that consideration is one which I think should have great weight with your Lordships. I have thus felt it to be my duty to refer to the difficulties which attend the great work of constituting an appellate jurisdiction. Your Lordships have often been asked, "Why do you not create a good and efficient appellate jurisdiction?" That object, I would observe, is much easier called for than accomplished. There have been, no doubt, many attempts, many approximations, towards it; and, in the progress of those attempts, some improvements have been really effected. The Judicial Committee of the Privy Council has been called into activity. Four judges sit there and hear causes: nothing is heard without them,—nothing is decided otherwise than by them: they are chosen from amongst the judges of the common law courts, the equity courts, and those in which the civil law prevails. Of those four judicial persons, although all of them are present, yet each presides in turn; they give judgment in turn; and when they differ, they deliver their opinions *seriatim;* when they agree, one pronounces the judgment; and, further, they adopt a practice—which I used in the Court of Chancery,—they reduce their judgments to writing. The only thing now wanting to that tribunal will be, the appointment, which has been recommended, of a permanent vice-president, without whose presence no cause should be tried, who should always preside, and who should always deliver the judgments of the court. That Judicial Committee would then be a most suitable tribunal to which to refer Divorce Bills,—an object long and earnestly desired, and never yet effected. The Patents Act furnishes, in its working, a practical evidence of the expedition and efficiency of the proceedings in that court; in the course of a morning, three or four cases have often been disposed of, which, if brought before Parliament, would have occupied as many months, with all the disgusting accompaniments of jobbing and canvassing.

In apologising for the length of time at which I have detained your Lordships, I need only say that I shall gladly assist any of my Noble and Learned Friends in promoting the great objects of Chancery reform. But before I sit down, now, in justice to myself, I feel bound to add, that when it is supposed that I have brought in no Bills for the reform of the proceedings in the Court of Chancery, a great error is committed. I brought in one Bill, which was a measure of the most sweeping change in the administration of the law of bankruptcy. It has been observed that the Court of Review is now without any considerable amount of business before it. I admit that that court is very much underworked; but it ought not to be forgotten that that circumstance arises from the excellent working of the other part of the system, which, in its effects, has greatly exceeded the sanguine expectations that I, myself, formed of them. It is because there are so few appeals from the six commissioners that the Court of Review find so little business to get through. This, I confess, is an agreeable surprise to me. I did not anticipate that the extraordinary merits of one part of the plan would have had the effect of preventing the other from coming into full activity. Experience, however, has shown that the six commissioners do more business than the whole seventy to whom that business was formerly intrusted. Then I beg further to observe, that the appointment of the official assignees is the great feature, and the greatest merit, of the change which I

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introduced. Those official assignees and commissioners, created by the new system, have been enabled to divide 2,000,000*l.* under old commissions of bankruptcy, which, had it not been for their exertions, would have remained in the hands of bankers and solicitors, who had no interest in seeing the creditors paid, and who, therefore, would still have retained the money in their hands; but who, through the well-directed and zealous labours of the new officers and the new system, have been compelled to render up those funds, and make dividends to many creditors who would otherwise have remained to this hour without receiving a shilling. There are even instances of old commissions being superseded, by reason of there being dividends recovered and distributed, to the amount of 20*s.* in the pound. This is the only observation I think it necessary to add to the lengthened remarks with which I have already trespassed upon your Lordships' attention.

The LORD CHANCELLOR.—I agree with much of what has fallen from my Noble and Learned Friend upon this important question. I agree that it would be highly expedient, if practicable, to establish an appellate jurisdiction very different from that which is, at present, in existence. I also think it would be highly advantageous that the head of the Court of Chancery should exclusively direct his attention to the business of that court. It will be in the recollection of the House that, in the year 1836, I submitted to your Lordships a Bill, the object of which was to introduce a system of Chancery reform; and it will be also recollected that extreme difficulty was experienced in the attempt to separate the appellate jurisdiction from this House. I was, therefore, compelled to abandon that plan, and so to modify my Bill as to render it acceptable to your Lordships. It was my opinion that it would be highly desirable that a permanent judge should be appointed, who, holding the great seal, should preside over the proceedings of this House, and over the appellate jurisdiction of the Privy Council; but, unfortunately, as I think, that suggestion was not adopted; and though my Noble and Learned Friend entertains a different opinion, nevertheless I still must be allowed to say that it would afford me great satisfaction if a change of that nature could be effected. With respect to appeals, I think it necessary to observe that, on the last day of term, it is my practice to look at the number of appeals; and, as a general rule,—admitting of hardly any exceptions,—to proceed, in the sittings after term, with the hearing of original causes. I am enabled, from the present state of the business in the Court of Chancery, to say that there has not been, recently, any increase of appeals, nor is there any probability of their getting ahead. The pressure of business, however, renders it necessary for the Vice Chancellor to take none but short causes; every cause of length, every cause likely to lead to protracted argument, is left in the list; all the short causes are taken out, the long causes being left in the list, precisely because they are long causes, and because they are difficult. My Lords, this course does not tend much to encourage me to deal with original causes. I trust I need hardly assure your Lordships, that when Parliament is not sitting, I give all the time which I possibly can to the business of the Court of Chancery; but I frankly acknowledge that I do not find myself able to accomplish anything considerable, as compared with the amount of arrears which exists; for it would be impossible for me, in less than three years, to dispose of the causes at this moment before the court: if I had nothing else to do, it would take me three years to get through them. In the year 1836, I stated my view of the whole question. I expressed my conviction that an increase of judicial strength was required, in order to grapple with the old arrears, and to prevent the accumulation of new ones. I have always done my utmost, so far as depended on the exertions of myself, individually; but I am able to effect, comparatively, nothing. Your Lordships may rest assured, if you will credit my experience, that justice cannot be as fully and as promptly administered under the present system as it ought to be, and that it is necessary to add to the judicial strength of the court. I should gladly accept anything as a palliative; I should not object to a proposition, merely because I might not think it sufficient; I should be glad to have it, if it would do something, though much more might really be required.

In listening to what I have heard this evening, it occasioned me some surprise to find that an attack was, indirectly, made on the Government by means of an attack upon myself. I have been accused of being slow in bringing forward measures of Chancery reform. If my Noble and Learned Friend reflects, he must, on a recollection of the circumstances, feel that this accusation is not fair. My Noble and Learned Friend must have reason to know that I contemplated bringing forward any measure of this sort which there might be the least probability of carrying. I wished and intended to bring forward a measure

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of reform, — not because I thought I could carry such a one as I wished, but because I thought it was my duty to accept whatever I could get. These certainly were my desires and intentions before the present Session commenced. When I brought forward my Bill in 1836, it was said that I had lost every thing by seeking to do too much. Others, again, affirmed that my ill success arose from asking too little. Be that, however, as it may, I will take upon myself to say that the remedy proposed by the Noble and Learned Lord goes to only a small part of that which the necessity of the case requires; but I acknowledge that it is directed against the precise portion of the evil which most urgently demands a remedy. The property involved in causes before the Court of Chancery is varied and enormous. The new mode of communication by railroads, for instance, recently introduced into this country, has added, in an inconceivable degree, to the business of that court. During the recess of last year, when I intended to go down to the country for a short period, I was obliged to stay in town for the purpose of deciding contests connected with these very subjects. But that is only one of many modes of investment giving rise to an increase of business. Every new scheme, connected in any way with property, immediately comes before the Court of Chancery, in some shape or other. The Noble and Learned Lord (Lord Lyndhurst) has alluded to the state of business in the time of Lord Hardwicke, who gave up the great seal in 1756. In five years from that period, the average number of causes was 401; whereas they averaged, between the years 1831 and 1835, no less than 1283. In comparing the average number of petitions at those respective dates, I find that in the former it was 871, and in the latter 1300. The average number of appeals brought before Lord Hardwicke in each year was 12; whilst, between the years 1831 and 1835, it was 55. The amount of money in the Court of Chancery, in the year 1812, was 28,370,000*l.*; and the number of causes, 6256. In the present year, the amount of money is 40,600,000*l.*; and the number of causes, 10,914. From your Lordships' Report in 1828, it was manifestly impossible that any person holding the great seal could get through the business of the Court of Chancery, and at the same time attend to that of your Lordships' House. If that was the case in 1828, your Lordships will see, from a comparison of the state of business between that period and the present, that the impossibility is rendered much more striking. I well remember that my Noble and Learned Friend used to commence business at ten o'clock in the morning, and conclude at twelve or one o'clock at night. My Noble and Learned Friend, — and I, myself, — might be able to bear the fatigue of such continued labour; but that is not the question. The question is, whether such a pressure is advantageous to the suitors, or best for their interests? In my opinion, it is not. In my opinion, it would be unworthy of the country to ask for or expect such a degree of application; but it does not. I conceive that no judge can satisfactorily perform his duty, who does not take a large portion of time, out of court, to investigate, and consider, and consult authorities, and make up his mind upon what he has heard in court. When upon their decision it depends whether property shall pass from the right owner to the wrong, or remain where it is, — when by their decision many families may be reduced from happiness to misery, — it behoves them to use all the means, and all the best means, within their power, in order to come to a right decision. This is the consideration which ought to operate upon every judicial mind. But how is it possible that that can be done if they hurry through their business? Consistently with this principle and with this object, the Court of Chancery is, at the present moment, totally incapable of discharging its functions; and yet the judges of that court are not idle. In communicating with the Vice Chancellor this morning, I found that he had commenced his labours for the day at four o'clock in the morning, — the very hour at which I concluded my labours — of the previous day; so that the Court of Chancery, it may be said, is up all night. The public, I am sure, do not require more than that; and if they do, it will be impossible to give them more. I hope my Noble and Learned Friend will concur with me in the necessity of going still further than he proposes to go, notwithstanding what has been said by my Noble and Learned Friend (Lord Brougham). It is quite obvious that the reform proposed by my Noble Friend must take place; but the very step which I suggest would lead to still further changes.

LORD LYNDHURST. — I don't mean to say that what I propose should be final. My doctrine is "not" that of "finality."

The LORD CHANCELLOR. — I am glad to hear my Noble and Learned Friend say so. But then, my Noble and Learned Friend — whose plan is only half a plan — not even half a plan — does not seem to have the ne-

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cessary intention of meeting the evil, entirely. Between the years 1813 and 1821, the Lord Chancellor heard nothing but appeals. At present he is not able to get through the appeals from two judges; yet the proposition is, that he should get through the appeals from four judges! It is suggested that there should be an equity judge for original causes. There is not business for an equity judge. You may take away the equity cases from the Court of Exchequer, and appoint another judge in the Court of Chancery, who would dispose of those cases, and be also able to devote much time to the business of the Court of Chancery. But the first duty to be discharged, upon any change being made, will be to get rid of the arrears of the Court of Chancery. So soon as the means are found of having the business of that court done, then will its business be increased. When the Vice Chancellor's Court was created, in 1813, such was the immediate result. The average number of cases for the first three years was 540; and for the three following, 717. Under all these circumstances, it is evident that the public would derive very great benefit from some such a change as is proposed; and although it is far short of what they have a right to expect, I willingly consent to it.

LORD LANGDALE. — I certainly feel the highest satisfaction at the course which has been taken on the present occasion,—characterised as it has been, by an entire absence of party feeling, and by a concurrent desire to do that which will be most beneficial to the country. To say that the particular suggestion of my Noble and Learned Friend opposite is perfectly satisfactory, would be absurd. I could not say so. I feel with him, however, notwithstanding what has fallen from the Noble and Learned Lord (Lord Brougham) who has left the House, — and I believe that all those who have dispassionately given their attention to the subject elsewhere, likewise feel — that the arrears of the Court of Chancery constitute an enormous and intolerable grievance, as was observed by my Noble and Learned Friend opposite, which ought to be got rid of as soon as possible. I believe my Noble and Learned Friend has understated the case, notwithstanding the clear and very forcible manner in which he brought it forward. The great grievance is that of delay, to parties who are prepared; and the remedy proposed is, an increase of judicial strength. But the remedy, as applied by my Noble and Learned Friend, might lead, as he himself has admitted, to subsequent inconvenience. My Noble and Learned Friend said that perhaps it might turn out that the increased number of arrears could not be heard; and that, if it should so turn out, he would be willing to remedy that evil. I wish my Noble and Learned Friend would go farther, and prevent the evil while he foresees the probability of it. In my opinion, we ought to separate the judicial from the political functions of the Lord Chancellor altogether. It is impossible he can perform both efficiently. I also think that your Lordships cannot have a perfect remedy for all the grievances at present existing in the Court of Chancery, unless you have a constantly sitting court of appeal in this House, independent of the judges of the Court of Chancery. As to the appointment of another equity judge to the Court of Exchequer, I doubt whether, under the present constitution of that court, there would be business for another judge. If the equity jurisdiction of that court were abolished, and all the equity causes now subsisting in it were transferred to the Court of Chancery, then would there be ample employment for another judge in that court. The Noble and Learned Lord opposite (Lord Lyndhurst) having consented to the appointment of two new equity judges, the only question appears to be, how their services might be most effectively made use of. The Noble and Learned Lord proposes that one of the new judges should sit in the Court of Exchequer. That, however, does not appear to me to be the most advisable course to adopt. It is said that it would have the advantage of giving only one appeal from the decision of the new judge; but what are called appeals before the Lord Chancellor, are not, properly speaking, appeals, but re-hearings, which differ in many respects from appeals. These re-hearings I consider to be very beneficial, as they are often the first occasions upon which cases are fully understood and argued. At the original hearing, points are frequently raised in such a manner as to be a surprise upon one of the parties; and, in fact, a party hardly understands his own case until he discovers what his adversary's is. Now, in the Court of the Exchequer, as it exists at present, the re-hearing must take place before the same judge who heard the cause originally; which certainly appears not to be so advantageous a course as that which prevails in the Court of Chancery. If, therefore, it were determined that one of the new judges should sit in the Court of Exchequer, it would be desirable to

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provide a means for allowing the causes, which might came on before him, to be re-heard before the Lord Chancellor; and that arrangement would have the additional advantage of securing uniformity of decision.

LORD LYNDHURST. — My object is to render the equity side of the Exchequer an effective court. I fear that the proposition to appoint two new judges in Chancery would meet with difficulties elsewhere. Perhaps it would be best to try, in the first place, what would be the effect of creating one new judge.

VISCOUNT MELVILLE. — At this late hour, it is not my intention to detain your Lordships longer than for a moment. It appears to me that one great grievance is, the interval that frequently elapses between the hearing of appeals and the delivery of judgment. I know the time of the Noble and Learned Lord on the woolsack is pretty well occupied with attending in this House, and performing his duties elsewhere; but I do trust that my Noble Friend will direct his attention to this subject.

The LORD CHANCELLOR. — I have lately paid much attention to the subject; and after Wednesday next, the last day of Term, I have no doubt that I shall begin clearing off the arrears.

The motion was then agreed to.

BEER ACT.

Petitions for alteration of, — of licensed victuallers of Portsmouth and Gosport, in the parish of Alverstoke. — Read, and ordered to lie on the table.

MANCHESTER AND LEEDS RAILWAY BILL.

Petitions praying to be heard by counsel against, — of the warden and fellows and the other clergy of the collegiate and parish of Manchester; and of the churchwardens and overseers of the poor of the township of Manchester. — Read, and ordered to lie on the table.

The Order for the commitment of the Bill to all the Lords present this day, discharged; and the committee to be proposed by the Lords' Committees appointed for proposing Committees on Opposed Bills.

MAYNOOTH COLLEGE.

Petition against any further grant of money for the support of, — of the synod of Angers. — Read, and ordered to lie on the table.

SAINT LEONARD'S AND SEDLESCOMB ROAD BILL.

Petition in favour of, — of parishioners of Ore and Fairlight. — Read, and referred to the committee on the Bill.

PAPERS.

Copy of the instrument constituting and appointing the Right Honourable Sir Herbert Jenner, Judge of the Arches Court. — Delivered (pursuant to Order of this day), and to be printed.

Papers relative to the war in Spain. — Delivered (pursuant to Address of the 22d of February last).

Adjourned.

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HOUSE OF COMMONS.

PRIVATE BUSINESS.

The following petitions were severally presented; namely, —

Deptford Pier Junction Railway Bill, — Against, — from inhabitants of St. Nicholas, Deptford; and inhabitants and parishioners of St. Nicholas, Deptford, and owners of property and others.

Black Quarry (or Anniesland) Road Bill. — Petition of trustees of the Glasgow and Garscube Bridge Road, against.

Referred to the committees on the Bills; counsel ordered.

Birmingham Canal Bill, — Of the company of proprietors of the Warwick and Birmingham Canal, praying that the Select Committee on Petitions for Private Bills may have leave to sit and proceed on the petition for additional provision upon Monday next, or that the further consideration of the Report of the Bill may be postponed.

Norwich Improvement Bill. — Petition of Sir William Foster, Baronet, praying that the petitioners against the Bill, whose petition was presented on the 28th day of May last, being the first day on which it could be presented after the Whitsuntide recess, may be permitted to be heard before the committee on the Bill, notwithstanding the said petition was not presented three days clear before the meeting of the committee.

To lie on the table, and to be printed.

Redcar Harbour (No. 2.) Bill. — Petition of merchants, shipowners, and others of Stockton, against. — To lie on the table.

Kingston upon Hull Docks. — Petition of William Vizard, Esquire, praying that the compliance with the Standing Orders may not, in this case, be dispensed with.

Birmingham Canal Bill. — Petition of proprietors of the Birmingham Canal navigations, praying to be heard against the petition for additional provision.

Referred to the Select Committee on Petitions for Private Bills.

The following Bills were read a second time, and committed as follows: —

Blunt's Estate Bill, — To SIR CHARLES BURRELL and the West Sussex list.

Harrow School Estate Bill, — To MAJOR WOOD and the Middlesex list.

Almsworthy (Somerset) Inclosure Bill; Liverpool Churches Bill. — Read a third time, and passed.

Fraserburgh Harbour Bill. — Read a third time; amendments made; Bill passed.

Nottingham (St. Mary's) Inclosure Bill; Moy Navigation Bill. — Reported; Reports to lie on the table.

Sawmill Ford Bridge and Road Bill. — Report further considered (prints having been delivered on Friday, 31st of May); amendments agreed to; Bill to be ingrossed.

Newport Dock. — Report (31st of May) from the Select Committee on Standing Orders read; Bill ordered to be brought in by LORD GRANVILLE SOMERSET and Mr. ADDAMS WILLIAMS.

Liverpool and Manchester Railway (Extension) Bill; Great North of England Railway Bill. — Lords' amendments agreed to.

Rotherham Small Debts Bill; Warrington Small Debts Bill. — Committees revived.

Hodson's Estate Bill. — Read a first time; to be read a second time.

Newark Small Debts Bill. — Committee revived; leave to sit and proceed on Tuesday next.

Norwich Improvement Bill. — Time enlarged for committee to report till Monday, 17th of June.

CHELTENHAM IMPROVEMENT BILL.

GENERAL LYGON. — In moving that this Bill be now read a third time, I

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shall trouble the House with but one observation. The chief objection urged against the measure is, that it will disfranchise the great body of ratepayers. Now, the House will see, on referring to the Bill itself, that it contains no provision of that nature.

Mr. C. BERKELEY. — I will not detain the House by repeating the arguments which I used against this Bill on Tuesday last. In consequence, however, of the observation made by my Honourable and Gallant Friend, — that it will not disfranchise the ratepayers, — I must distinctly state that such will necessarily be the effect of the Bill. It only acknowledges the landlords, and not the tenants, in the character of ratepayers; and will, unquestionably, disfranchise more than one half of the present ratepayers. There is another great monstrosity, if I may call it so, in this Bill. It empowers the commissioners to sit with closed doors, and to levy more than 4000*l.* a-year from the ratepayers without responsibility. I can compare such commissioners to nothing better than a select vestry of the worst possible description. I therefore move, as an amendment, that the Bill be read a third time this day six months.

Mr. G. BERKELEY. — I second the amendment.

SIR C. LEMON. — To refuse to pass this Bill will, in my mind, be a great injustice. I am quite unconnected with the Bill, further than having carefully examined its 260 clauses. Two petitions were presented against the Bill, — one from a gentleman who wished to except part of his property from its operations, and the other containing the allegations on which the attempt is now made to quash the Bill altogether. The latter petition was not supported, because, as was stated the other evening, the parties did not choose to incur the expense of employing counsel. Surely, if the measure were likely to be attended with such injurious consequences to the town of Cheltenham as have been predicted, the parties concerned would not have hesitated to incur so small an expense as the feeing of counsel. They might have appeared by their own attorney; or it was open to my Honourable Friend the Member for Cheltenham, himself, to have supported that petition in the committee. The whole question was referred to a committee; the House has already given a decision upon it; and will it now turn round, and disavow its own acts?

The truth is, that the entire ground for pursuing such a course is to be seen in the objection which certain gentlemen entertain to the principle of plural voting. Now I think it will be an act of gross injustice to throw out the Bill at its last stage, and after the great expense which has been incurred by its promoters, upon such an objection.

Mr. COURTENAY. — I am also totally unconnected with the parties interested in this Bill. I came, however, to the determination to support it in consequence of an advertisement (for it is little else), which I this day saw in a leading Radical newspaper, and which I look upon as an attempt to convert this House into an arena of party politics on the discussion of a Private Bill. It was in consequence of the disgraceful manner in which Private Bills were conducted, — in consequence of gentlemen coming down to committees on those Bills, totally ignorant of the evidence which had been given upon them, and voting, not according to the merits of the case, of which they knew nothing, but in accordance with the request of one of the parties to them, — that the Right Honourable Gentleman who now fills the chair introduced a plan of reform which, I am happy to say, has hitherto operated as a check upon such improper practices. Here, however, is an attempt to renew them, and in a still worse shape. The whole merits of the case having been investigated before a committee, and decided upon by the House, this Bill is allowed to proceed to a third reading, when an advertisement appears in a newspaper, calling upon Honourable Members of a certain party to come down and nullify the result of that committee and the decision of the House. I conceive, therefore, that the character of the House is at stake upon the question. I know nothing of the case ——

[Cries of "Hear, hear!"]

— except from reading the statements on both sides; and I must say that, independently of the weight which the House ought to attach to the decision of the committee, all the weight of testimony is in favour of the Bill. Petitions have been presented from 351 ratepayers against it, and from 543 in its favour. Upon these grounds I support the third reading of the Bill.

[Cries of "Divide!"]

COLONEL SEALE. — I oppose the

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Bill on the ground stated by the Honourable Member for Cheltenham, — that it will disfranchise a great number of the ratepayers.

[Cheers and confusion.]

Mr. CLAY.— Let the House throw out the Bill, if it pleases; but let it not do so on a complete misapprehension of the facts. Now, I assert that this Bill does not disfranchise the ratepayers. Every man paying his rates will be entitled to vote. The principle of rating in this Bill is similar to that in almost all the metropolitan parochial Bills. The Honourable and Gallant Member has said that the commissioners can vote with closed doors. It is not imperative on them to do so.

[Cries of "Oh, oh!"]

Is there any one body of commissioners created throughout the kingdom to whom such a discretionary power is not given? Is there a sessions of the peace in which the magistrates have not the power to admit or refuse admission to reporters? I must say that I do not think the House is acting wisely in making a Private Bill the subject of a party struggle; and I felt that I could not allow my Honourable Friends on this side of the House to go to a division under such circumstances, in perfect misapprehension of the facts. I contend that the ratepayers are in favour of this Bill; that it is imperatively required for the town of Cheltenham; that the principle on which it is brought forward is that, upon which similar Bills have been granted to Brighton, to Ramsgate, and a variety of other towns; and that, after the expense which has been incurred by the promoters of the Bill, the House will be guilty of a gross injustice in throwing it out.

[Cries of "Hear!" and, "Divide!"]

An HONOURABLE MEMBER.—I see a clause in this Bill by which the owners, but none by which the occupiers, of houses of the value of 10*l.* are to pay the rates?

LORD GRANVILLE SOMERSET. — If the Honourable Member had taken the trouble to read the Bill, he would have found that, by the 107th clause, it is provided that any person wishing to be assessed may be so.

[Cries of "Divide!"]

The House divided, on the motion, "That the words proposed to be left out stand part of the question:"—Ayes 177; Noes 186; — Majority 9.

AYES.

Acland, T. D.	Godson, R.
A'Court, Captain	Gordon, Hon. Captain
Alsager, Captain	Goulburn, Rt. Hon. H.
Arbuthnott, Hon. H.	Graham, Rt. Hon. Sir J.
Archdall, M.	Grant, F. W.
Bagge, W.	Greene, T.
Bailey, J. (Wor.)	Grimsditch, T.
Bailey, J. jun.	Guest, Sir J.
Baillie, Colonel	Hale, R. B.
Baring, Hon. F.	Harcourt, G. S.
Baring, Hon. W. B.	Hardinge, Rt. Hon. Sir H.
Barneby, J.	
Barrington, Lord Visct.	Harland, W. C.
Bateson, Sir R.	Hayes, Sir E.
Bell, M.	Henniker, Lord
Bentinck, Lord G.	Hepburn, Sir T. B.
Bethell, R.	Herries, Rt. Hn. J. C.
Blackstone, W. S.	Hinde, J. H.
Blair, J.	Hodgson, R.
Blakemore, R.	Hogg, J. W.
Blennerhassett, A.	Hope, Hon. C.
Bradshaw, J.	Hope, H. T.
Bramston, T. W.	Hope, G. W.
Broadley, H.	Hotham, Lord
Broadwood, H.	Houldsworth, T.
Burr, H.	Houstoun, G.
Burrell, Sir C.	Hughes, W. B.
Burroughes, H. N.	Hurt, F.
Calcraft, J. H.	Ingestre, Lord Visct.
Cantalupe, Lord Visct.	Ingham, R.
Cartwright, W. R.	Inglis, Sir R. H.
Chapman, A.	Irton, S.
Christopher, R. A.	Jackson, Serjeant
Clay, W.	James, Sir W. C.
Clerk, Sir G.	Jermyn, Earl
Codrington, C. W.	Johnstone, H.
Cole, Hon. A. H.	Jones, J.
Cole, Lord Viscount	Jones, Captain
Conolly, E.	Kemble, H.
Cooper, E. J.	Kilburne, Lord Visct.
Coote, Sir C. H.	Knatchbull, Rt. Hon. Sir E.
Copeland, Alderman	
Courtenay, P.	Knight, H. G.
Cresswell, C.	Knightley, Sir C.
Dalrymple, Sir A.	Knox, Hon. T.
Damer, Hon. D.	Lefroy, Rt. Hon. T.
Darby, G.	Lemon, Sir C.
Darlington, Earl of	Liddell, Hon. H. T.
Davenport, J.	Lincoln, Earl of
De Horsey, S. H.	Litton, E.
Douglas, Sir C. E.	Lockhart, A. M.
Dowdeswell, W.	Lowther, Hon. Colonel
Duffield, T.	Lowther, Lord Visct.
Dugdale, W. S.	Lowther, J. H.
Dunbar, G.	Lucas, E.
Duncombe, Hon. W.	Mackenzie, T.
Duncombe, Hon. A.	Mackinnon, W. A.
Dungannon, Lord Vt.	Mahon, Lord Viscount
Du Pre, G.	Manners, Lord C. S.
Eastnor, Lord Viscount	Marton, G.
Eaton, R. J.	Mathew, G. B.
Egerton, Sir P.	Maunsell, T. P.
Fector, J. M.	Miles, W.
Fellowes, E.	Miles, P. W. S.
Filmer, Sir E.	Milnes, R. M.
Foley, E. T.	Mordaunt, Sir J.
Forester, Hon. G.	Noel, Hon. W. M.
Fremantle, Sir T.	Norreys, Lord
Gaskell, J. M.	Owen, Sir J.
Gladstone, W. E.	Packe, C. W.
Glynne, Sir S. R.	Pakington, J. S.

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Palmer, G.
Parker, R. T.
Parker, T. A. W.
Patten, J. W.
Perceval, Colonel
Perceval, Hon. G. J.
Pigot, R.
Plumptre, J. P.
Polhill, F.
Pollock, Sir F.
Powerscourt, Ld. Visct.
Praed, W. T.
Price, R.
Pringle, A.
Pusey, P.
Rae, Rt. Hon. Sir W.
Rolleston, Lancelot
Round, J.
Rushbrooke, Colonel
Rushout, G.
Scarlett, Hon. J. Y.
Sheppard, T.
Shirley, E. J.
Stanley, E.
Stewart, John
Teignmouth, Lord
Thompson, Alderman
Tollemache, F. J.
Tyrell, Sir J. T.
Vere, Sir C. B.
Vivian, J. E.
Waddington, H. S.
Walsh, Sir J.
Wilmot, Sir J. E.
Wood, T.
Yorke, Hon. E. T.
Young, J.

Tellers.
Lygon, Hon. General
Somerset, Lord Granville

NOES.

Adam, Admiral
Aglionby, H. A.
Aglionby, Major
Alston, R.
Anson, Hon. Colonel
Anson, Sir G.
Archbold, R.
Baines, E.
Barnard, E. G.
Barry, G. S.
Beamish, F. B.
Bellew, R. M.
Berkeley, Hon. H.
Bewes, T.
Blackett, C.
Blake, M. J.
Blake, W. J.
Blunt, Sir C.
Bodkin, J. J.
Boldero, H. G.
Bowes, J.
Brabazon, Sir W.
Bridgeman, H.
Brocklehurst, J.
Brodie, W. B.
Brotherton, J.
Bryan, G.
Butler, Hon. Colonel
Byng, Rt. Hon. G. S.
Cave, R. O.
Cavendish, Hon. C.
Cayley, E. S.
Chester, H.
Chetwynd, Major
Chichester, J. P. B.
Codrington, Admiral
Collier, J.
Collins, W.
Cowper, Hon. W. F.
Craig, W. G.
Currie, R.
Curry, Mr. Serjeant
Dalmeny, Lord
Davies, Colonel
Denison, W. J.
Dennistoun, J.
D'Eyncourt, Rt. Hon. C. T.
Donkin, Sir R. S.
Duff, J.
Duke, Sir J.
Duncombe, T.
Dundas, C. W. D.
Dundas, F.
Dundas, Sir R.
Easthope, J.
Edwards, Sir J.
Ellice, Rt. Hon. E.
Ellice, E.
Ellis, W.
Euston, Earl of
Evans, Sir De Lacy
Evans, G.
Evans, W.
Ewart, W.
Feilden, J.
Fitzroy, Lord C.
Fort, J.
French, F.
Gordon, R.
Grattan, J.
Grattan, H.
Hall, Sir B.
Harvey, D. W.
Hastie, A.
Hawes, B.
Hayter, W. G.
Heathcoat, J.
Hector, C. J.
Heneage, E.
Hill, Lord A. M. C.
Hobhouse, Rt. Hon. Sir J.
Hobhouse, T. B.
Hodges, T. L.
Hollond, R.
Horsman, E.
Hoskins, K.
Howard, P. H.
Humphery, J.
Hutt, W.
Hutton, R.
James, W.
Jervis, J.
Jervis, S.
Johnson, General
Lambton, H.
Langton, W. G.
Lennox, Lord A.
Lister, E. C.
Loch, J.
Lushington, C.
Lushington, Rt. Hon. S.
Macleod, R.
Macnamara, Major
M'Taggart, J.
Marshall, W.
Marsland, H.
Martin, J.
Molesworth, Sir W.
Moreton, Hon. A. H.
Morris, D.
Murray, A.
Muskett, G. A.
Nagle, Sir R.
Neeld, Joseph
Neeld, John
Norreys, Sir D. J.
O'Callaghan, Hon. C.
O'Connell, D.
O'Connell, J.
O'Connell, M. J.
O'Connell, Morgan
O'Conor Don
O'Ferrall, R. M.
Palmer, C. F.
Parker, J. (Shef.)
Parnell, Right Hon. Sir H.
Parrott, J.
Pattison, J.
Pechell, Captain
Pendarves, E. W. W.
Philips, M.
Philips, G. R.
Phillpotts, J.
Pigot, D. R.
Ponsonby, Hon. J.
Power, James
Protheroe, E.
Pryme, G.
Pryse, Pryse
Redington, T. N.
Rice, E. R.
Roche, E. B.
Roche, W.
Roche, Sir D.
Rundle, J.
Scholefield, J.
Seale, Sir J. H.
Sharpe, General
Sheil, R. L.
Smith, B.
Somers, J. P.
Somerville, Sir W. M.
Speirs, A.
Standish, C.
Stanley, Hon. E. J.
Steuart, R.
Strangways, Hon. J.
Strickland, Sir G.
Strutt, E.
Style, Sir C.
Tancred, H. W.
Thornely, T.
Troubridge, Sir E. T.
Turner, W.
Vigors, N. A.
Villiers, Hon. C. P.
Vivian, Major C.
Vivian, Rt. Hon. Sir R. H.
Wakley, T.
Walker, R.
Wallace, R.
Warburton, H.
Ward, H. G.
White, A.
White, H.
White, S.
Wilbraham, G.
Williams, W. (Cov.)
Williams, W. A.
Wilshere, W.
Winnington, T. E.
Winnington, H. J.
Wood, G. W.
Worsley, Lord
Wrightson, W. B.
Wyse, T.

Tellers.
Berkeley, Hon. G.
Berkeley, Hon. C.

Words added; main question, as amended, put, and agreed to; third reading put off for six months.

PUBLIC BUSINESS.

PAPERS.

The following accounts, &c. were severally presented, and ordered to lie on the table; namely, —

Public Income and Expenditure. — Account of public income and expenditure in the years ending 5th of January, 1837, 1838, and 1839 (ordered 21st of February).

Foreign Wine. — Accounts of wine imported, entered for consumption, &c. in 1838 (ordered 25th of March).

Foreign Spirits. — Accounts of spirits imported, entered for consumption, &c. in 1838 (ordered 25th of March).

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Mail Contracts. — Copy of contracts between the Post Office and railway companies for conveyance of mails, and account of the cost of conveyance (ordered 18th of April).

Leith Harbour and Docks. — Copy of scheme of establishment and estimate of expense for the harbour and docks of Leith (by Act).

MISCELLANEOUS PETITIONS.

The following petitions were severally presented, and ordered to lie on the table; namely, —

Education. — By SIR E. FILMER, Mr. GREENE, SIR E. KNATCHBULL, Mr. W. DUNDAS, Mr. KEMBLE, Mr. DARBY, LORD VISCOUNT MORPETH, LORD VISCOUNT DUNGANNON, and other Honourable Members, against the proposed scheme of national education, — from Portslade; St. John, London Road; Ham; Kingswood; St. George, Camberwell; Redfield; Hanham; Wimbledon; Fishponds; Shepton Mallet circuit; Soundwell; Peckham; Merthyr Tidvil (two petitions); Bishop Auckland; Norwich (two petitions); St. Botolph Without, Aldermanbury, London; St. John, Horselydown; Carlisle (two petitions); Warwick (Cumberland); Aspatria; Batley Carr and Earlsheaton; Knowl; Ossett; Tingley; Pudsey; Dewsbury; Carmarthen (two petitions); Durham (two petitions); St. Andrew Auckland; Chilbolton; Pulborough; Oswestry; Fringford; Lower Mitton and Arcley Kings; Farringdon Ward, London; Bishopwearmouth; Monkwearmouth; Sunderland (two petitions); St. Matthew, Friday Street, London; Ward of Farringdon Within, London; Sydenham; Goudhurst; Bexley; Aylesford; deanery of Sutton; Loose; Otham; Hawkhurst; West Malling; Swallowfield; Herne; Hythe; Acol; Monkton; Birchington; Betshanger; Wickhambreux; Sittingbourne; St. Margaret's at Cliffe; Faversham; Tunstall; Borden; Watton; Banff; North Walsham, &c.; Donington; Crowland; Bicker; Farthinghoe; Aston-le-Walls; Byfield; Daventry; Abergavenny; Varteg; Pontypool; Newtown; Llanelly; Blaenavon; Crickhowell; Long Melford; Welshpool; Keswick; Altrincham; Gawcott and Lenborough; Maidstone; Iffley; Broughton; Shenington and Alkreton; Hamwell; Garsington; Worton; Epwell and Shutford; Bloxham; Swerford; Swalcliffe; South Newington; Balscot; Hornton; Cropredy; Mallington; Foscot; Great and Little Baunton; Sandford; Great Tew; Horley; Wroxton; Tadmarton; Rothwell; Leicester; Dadlington; Banbury; Abersychan; and Wigton, Cumberland (two petitions).

By LORD VISCOUNT MORPETH and other Honourable Members, in favour of the proposed plan, — from St. Mary Abbott's, Kensington; Sherborne; and Newmarket (Flint).

Highways Act, — Of trustees of the road from Biddenden and Smarden to Maidstone, for restoring the liability of parishes to contribute towards the repair of turnpike roads.

Foreign Apples, &c., — By Mr. HODGES, and others, for increase of duty, — from Canterbury; Sittingbourne; Wingham; West Kent (two petitions); and Maidstone.

Queen's Printer (Scotland), — By SIR G. GREY, — of the General Assembly of the Church of Scotland, for allowing public bodies to participate in the advantages of printing the Bible.

Against renewal of the patent for printing Bibles, — from Leith; and North Leith.

Church Establishment (Wales), — From Chester, for appropriating the profits of sinecure rectories in Wales to the benefit of the diocese in which the same arise.

Jamaica Bill, — By Mr. P. W. MILES and Mr. GODSON, against, — from Bristol; and planters, merchants, and others interested in the colony of Jamaica.

Prisons Bill, — Against, — from Peckham and East Dulwich; and rural deanery of Southampton.

Church Establishment (Canada, &c.), — By LORD DUNGANNON and others, for extension, — from Ludlow; Haughton-le-Skerne; Birmingham; and Tunbridge and Tunbridge Wells.

Postage. — By SIR T. FREMANTLE, Mr. R. STEUART, Mr. P. HOWARD, CAPTAIN PECHELL, and others, for a low and uniform rate, — from Paisley; clerks, boatmen, &c. in the employ of the Glasgow and Edinburgh Canal Shipping Company; Bradford; Brighton; Amersham; Carlisle; Dunbar (two petitions); Haddington; North Berwick; Manchester (three petitions); Belfast; Donegal; Hackney (two petitions); Upper and

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Lower Clapton; Clapton and Stoke Newington (two petitions); Clapton; Poplar; Hartlepool; Weardale; Stockton upon Tees; Sunderland; Barnard Castle; Dundee: Leith; Clapton, Homerton, and Stoke Newington; Sheffield; Poplar; Totnes; Stewartstown; establishment of Samuel Clark, Ashford Street, Hoxton; Francis Milner and Sons, Crispen Street, Spitalfields; Charles Dear, Shoreditch; John Brown, High Street, Shadwell; John Dowling, High Street, Shadwell; and Messrs. Young and Co., Limehouse.

Sheriffs (Sligo), — By COLONEL PERCEVAL, — of electors of the town of Sligo, complaining of the appointment of partisan sheriffs and juries in that county, and also praying for inquiry. — To be printed.

Finance, — By Mr. W. WILLIAMS, — of Samuel Wells, Esquire, stating several facts relative to the financial affairs of the country, and suggesting improvements in the management thereof.

Sale of Beer Act, — By Mr. P. THOMSON, against repeal, — from Manchester and Salford; and Sudbury.

Bonding Warehouses, — By Mr. P. THOMSON, — two petitions from Manchester, for the establishment of inland bonding warehouses.

International Exchange of Books, &c., — By Mr. P. THOMSON, — of Alexander Vattemare, for establishing an international exchange of books, &c.

George O'Malley Irwin, — By Mr. O'CONNELL, — of George O'Malley Irwin, complaining of a trial in the Court of Queen's Bench, in which the petitioner was defendant, being taken out of its place without his knowledge, whereby a verdict has been obtained against him, and praying for an inquiry into the practice and rules of that court.

Government of Ireland, — By Mr. O'CONNELL, — from Clonmany, in support.

Corn Laws, — From North Berwick, for repeal.

Church of Scotland, — In support, — from Edinburgh; and Boharm.

From Cockburnspath, against further endowment.

Ecclesiastical Duties and Revenues Bill, — By Mr. ESTCOURT, against, — from Barnard Castle; Reverend John Anthony Cramer and others; Haughton-le-Skerne with Sadberge; and Maidstone.

Poor Law Amendment Act, — From Teesdale union, for alteration.

Railways (Ireland), — Of the provisional committee of the Londonderry and Enniskillen Railway Company, for authorising the board of works to construct a single line of railway from Londonderry to Omagh.

Rating of Tenements Bill, — From Aston union, in favour.

Elective Franchise, &c. (Ireland), — By Mr. O'CONNELL, for equalisation, — from Clonmany; and Cloyne.

Heritable Securities (Scotland) Bill, — in favour, — from Edinburgh; and Glasgow.

Lord's Day, — By LORD VISCOUNT SANDON, — from Liverpool, for securing the due observance thereof.

Maynooth College, — By SIR E. FILMER, — from Lewisham, against further grant.

BISHOPS' RESIDENCES BILL.

Read a second time, and committed for Monday next.

PRISONS (SCOTLAND) BILL.

Committee deferred till Wednesday next.

House at rising to adjourn till Monday next.

RETURN.

County Treasurers' Fee Fund (Ireland). — On the motion of SIR ROBERT FERGUSON, Return ordered —

Of the amount received for the fee fund, under the 1st Vic. c. 54., and the regulations of the Lord Lieutenant of Ireland in pursuance thereof, and of each payment out of the same fund from the 25th day of March, 1838, to the 25th day of March last; distinguishing the sum paid by the treasurer of each county, &c., and the amount of each payment (in continuation of No. 604. of last Session).

ATHLONE BRIDGE.

Mr. J. O'CONNELL. — I wish to

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know whether the Government intend to propose the erection of a new bridge at Athlone? and if so, whether it is to be proposed in a clause in the Bill for improving the navigation of the Shannon, or in a separate measure?

The CHANCELLOR of the EXCHEQUER. — It is the intention of the Government to take the same course with respect to the bridge at Athlone as they did last year, and to propose its erection in one of the clauses in the Bill referred to by the Honourable Member.

FOREIGN LOTTERIES.

SIR E. SUGDEN. — I wish to ask the Chancellor of the Exchequer whether the Government intend taking any steps with respect to foreign lotteries? They are constantly advertised in the newspapers of this country; and letters are even sent from abroad respecting them, much to the inconvenience of the public. The practice is, in my opinion, an evasion of the law.

The CHANCELLOR of the EXCHEQUER. — Two years ago the Government introduced a Bill to do away with the practice; but, finding that the measure could not be carried out, it was abandoned. I am quite ready to amend the present law, if it be possible; but there are so many means of evading any law on the subject, that to do so will be attended with great difficulty. It shall not, however, be overlooked by the Government, who have already paid much attention to the subject.

IMPROVEMENT IN THE METROPOLIS.

Mr. HERRIES. — I beg to know whether any steps will be taken by the Government to carry into effect the recommendations of the committee who sat on the subject of improvements in the metropolis?

The CHANCELLOR of the EXCHEQUER. — The Report of the committee has been submitted to the Commissioners of the Woods and Forests; and I am happy to say that there is every readiness on their part to act on the recommendations which it contains.

IRELAND.

COLONEL PERCEVAL. — I wish to ask a question of the Noble Lord the Secretary for Ireland. The Noble Lord is aware that, on the 4th of May last, the magistrates of the county of Sligo assembled together on a summons from the Lord Lieutenant, and came to a unanimous resolution, That several of the murders and assaults recently committed in that country had been committed with sticks loaded with lead or iron; and that the habit of carrying sticks loaded in this destructive manner was becoming common in Ireland. They, therefore, called the attention of the Lord Lieutenant to the necessity for re-enacting the provisions of the 11 George II. cap. 10., which prohibits the carrying of sticks loaded in this manner, and subjects the persons carrying them to punishment. I wish to be informed whether it is the intention of her Majesty's Government to introduce any legislative enactment, in conformity with this recommendation of a meeting which was composed of men of all parties?

LORD VISCOUNT MORPETH. — I have directed the attention of the law officers of the Crown to the subject, and I hope, soon, to receive their Report, and to embody its substance in a Bill.

DISTRICT SESSIONS BILL.

On the motion of LORD JOHN RUSSELL, — Second reading put off for three months.

DISTRICT PRISONS BILL.

Order for receiving Report read, and discharged; Bill withdrawn.

HIGH SHERIFFS' EXPENSES BILL.

Report deferred till Monday next.

WAYS AND MEANS. — SUPPLY.

Committees severally deferred till Monday next.

CLERKS OF THE PEACE BILL.

On the motion of Mr. PAKINGTON, —Report further considered; amendments agreed to; Bill to be read a third time on Monday next.

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WRITS (SCOTLAND) BILL.

Second reading deferred till Thursday next.

IMPRISONMENT FOR DEBT ACT AMENDMENT BILL.

Committee deferred till Thursday next.

SUMMARY JURISDICTION BILL.

Committee deferred till Friday next.

HERITABLE SECURITIES (SCOTLAND) BILL.

Second reading deferred till Friday next.

RAILWAYS (IRELAND).

Report thereupon deferred till Friday, 21st of June.

MUNICIPAL CORPORATIONS (IRELAND) BILL.

Further consideration of Report deferred till Friday, 21st of June.

ECCLESIASTICAL DUTIES AND REVENUES BILL.

Committee deferred till Monday, 24th of June.

PRISONS BILL.

On the Order of the Day for the further consideration of the Report on this Bill being read, —

Mr. WAKLEY said: — Sir, I propose, as an additional rule to the fifth clause of this Bill, — "That the surgeons of prisons shall keep a daily journal, written in English, of the medicine, diet, and other treatment of sick prisoners." I trust, the utility of this rule being so obvious, that no Member will oppose its introduction.

LORD JOHN RUSSELL. — I do not see any objection to the insertion of those words.

SIR E. KNATCHBULL. — I confess I have my doubts as to the expediency of this rule. I am afraid it will cause a great deal of unnecessary trouble.

Mr. FOX MAULE. — I do not recognise the force of the objection urged by the Right Honourable Baronet opposite. In cases of death in gaol, it is, of course, absolutely necessary that the cause should be minutely inquired into; and, on such principle, no inquiries could be more natural than those respecting the treatment administered during illness. According to the present system, there is merely a memorandum kept of the number of persons attended by the surgeon, but no particulars.

Mr. SANFORD. — I do not think the adoption of this rule will cause any very serious additional trouble. On the other hand, it will be very satisfactory to the surgeon to have a record of the cases he has attended.

LORD VISCOUNT DUNGANNON. — I cannot but think that this alteration is desirable on many grounds. For instance, the surgeon may be incompetent, and there is no way of ascertaining the fact so sure as a record of his mode of treatment.

Mr. WAKLEY. — I would enter more at length into this discussion, were it not that I might be accused of attacking a branch of a profession to which I at one time belonged. My object is no other, than to improve the mode of proceeding in gaols.

The rule was then agreed to, and incorporated.

Mr. AGLIONBY. — I wish to have a rule inserted, permitting prisoners to be visited by their friends and professional advisers.

Mr. FOX MAULE. — I regret, very much, that I have not any rule of this kind prepared; but I shall take care to introduce it on the third reading.

Amendments agreed to, with an amendment; Bill to be read a third time on Monday, the 17th of June.

LORD JOHN RUSSELL. — I move that the House do now adjourn until half past eight o'clock.

House adjourned accordingly.

House resumed at half past eight.

JAMAICA GOVERNMENT BILL.

On the motion of Mr. LABOUCHERE, —Order for second reading, read; Bill to be now read a second time; House informed

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that counsel were in attendance; counsel called in; Bill read a second time; petition of Mr. Burge (presented the 3d of June) read.

Mr. BURGE was then summoned to the bar, and addressed the House to the folfowing effect: —

Sir, I appear at this bar, as the agent for Jamaica, against the Bill now before the House. I appear here, because the people of Jamaica are unrepresented in this House, and have no means by which they can assert their rights and implore the protection of the House against the violation of their rights, except by means of the weak advocacy of the individual who has now the honour of addressing you. I have no distrust of the anxious desire of this House to afford ample justice, and to extend adequate protection, to the people of Jamaica, upon this, as I am confident was the case on a former, occasion. I have no fear but that, when this House is called to legislate touching — or rather to make most serious innovations on — the established constitution of a distant colony, it will give the subject that consideration which is essential for the purpose of enabling it to do the desired justice. I am the more disposed to entertain this belief, because it is impossible to look at the Bill proposed to be introduced, without plainly perceiving that that degree of information on the subject is not possessed, which it is meet there should be, by those who have the superintendence and administration of colonial affairs. Sir, I am most anxious to abstain from every topic which is not absolutely essential to the just consideration of the merits of this measure, or which has been rendered unnecessary by the discussion which took place on a former occasion. It is not necessary for me to inform the House that the people of Jamaica are British subjects, who, from the first settlement, have had a constitution based on the law and principles of the British constitution. This House has now decided that that constitution shall be preserved inviolate. The most valuable part of that constitution, to which the people of Jamaica look for the protection of themselves and of their property, is the popular branch of it — the House of Assembly. This House, by the decision which it has given, has not only recognised the existence of the House of Assembly, but has preserved it. I need not defend the House of Assembly against those allegations contained in the preamble of a former Bill, which were supposed to constitute a charge furnishing a ground upon which the constitution might be suspended, and the functions of the Assembly transferred to another body; because the House has decided that, be the conduct of the Assembly what it might, it was not that which would justify the suspension of the constitution, and the transferring of the functions of the Assembly to another body. The legitimate and necessary inference, also, from the abandonment of the former Bill is, that the House has decided that the constitution of Jamaica should be preserved in reality, and not in name; and that the Assembly in substance, and not in shadow, should be upheld. Sir, this House will never consent to leave the people of Jamaica in possession of a constitution and of a House of Assembly, and yet adopt a measure which shall, in fact, so maim that constitution as to destroy the independence of the popular branch of the Legislature. Yet such is the effect of the Bill which is now before the House. The Bill is a fraud upon the decision which the House came to before, and upon the principle which influenced the House in that decision. The Government have had the opportunity of knowing that, by adopting a course of conciliation, such a measure as the present one would be needless. They have had the opinions of a large majority of the persons deeply interested in the welfare of Jamaica, to that effect; for, shortly after the announcement of the abandonment of the former Bill, a meeting of the Jamaica proprietors was held, which came to certain resolutions expressive of the sentiments it entertained. That meeting was presided over by the Earl of Harewood, and it was unanimously resolved, That the meeting disapproved of the late Bill, because it would have excited the distrust of the emancipated population towards the other classes, and because it was an infringement on the rights of the people. It would also have endangered the successful issue of the great measure of emancipation. These resolutions were communicated to her Majesty's Ministers by the Noble Earl who presided at the meeting, and who attended the deputation. That Noble Earl strongly urged the principle of conciliation: he went further; he told her Majesty's Ministers that these were sentiments, entertained not only by the great body of the proprietors] here, but they had also been ascertained to be the opinions of the proprietors in Jamaica. He strongly urged a course of conciliation, which the Executive itself might have initiated by means of communication with the Governor, and

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through him to the Assembly. The sentiments expressed on that occasion have been repeated since the Bill was introduced; and the sentiment of the great majority of the proprietors still remains unchanged,—that the true and wise policy is that of conciliation. If the Government had adopted that course, no one could have condemned them for acting in accordance with the recommendations and suggestions of the great body of proprietors. It would also have protected the Government from the imputation of having given up the Bill because the House would not give its sanction to the suspension of the Assembly.

Sir, the Bill now before the House is calculated to bring on a crisis, by driving the House of Assembly to desperation,—a crisis, which would enable her Majesty's Ministers to come to this House, and say that the Assembly had refused to accede to the wishes of the Imperial Legislature. Every consideration as regards her Majesty's Ministers, and every consideration as regards the welfare of the colonies, would have suggested that the course to be pursued for the advantage of the colony, was—not the introduction of this Bill, but a communication of conciliation to be made by the Governor to the House of Assembly. Sir, by the clauses of this Bill, if the Assembly shall pass a measure to which the council shall object, it will be laid on the table of the council for a certain time; and if it do not pass into a law on the 20th of October, the Governor and council can pass a law on the subject. In the same way, if an amendment be made by the council, to a Bill passed by the Assembly, to which amendment the House of Assembly shall not assent, and if it shall remain till the 30th of October, the Governor may pass a law on the subject. But even if the Assembly and the council should agree on a Bill, the Governor may object to it, unless it contain certain provisions. Thus it is proposed that the Governor, or rather the Colonial Department, shall absorb the whole legislative power of the colony, of which no more than the mere shadow is left to the representative body of Jamaica. Again, in the revival or re-enactment of laws which expired in October, 1838. The majority of those Acts are for the imposition of annual taxes: now, if the Assembly should not think proper to renew any of these, or should think that taxes of a different kind are more advisable, yet the fact of their not renewing them by the 30th of October next, will give to the Governor in council the power of renewing them, though some of them may be not only for the imposition of taxes, but also for their appropriation. Thus the entire colony might become vested in the Governor in council, or in the Colonial Department at home, by which he is instructed. I beg the House to remark how carefully there is retained, in the present Bill, everything in the former measure which could tend to degrade the white population of Jamaica,—to the disparagement of the House of Assembly and of the characters of the individuals of whom it was composed, subject, as they would be, to the infliction of this despotic law, and called on to exercise certain functions under the coercion of a most humiliating menace. This Bill has plainly the effect of utterly subverting the independency of the Assembly. Sir, the Government cannot, in justice, make the non-session of the Assembly the ground of this measure, for that is the consequence of their own proceeding. A prejudice has been endeavoured to be created against the planters of Jamaica, on the ground that they are desirous of retaining the Vagrant Act of Charles II., and of availing themselves of its severe enactments, in order to oppress the negro. All I can say is, that that Act is considered in Jamaica as an obsolete Act; and during the whole course of my fourteen years' experience as Attorney General of the island, not one conviction, or even prosecution, ever took place under that Act. Then, as to there being any necessity for the Orders in Council, the proprietors of Jamaica, for whose benefit they are proposed to be passed, do not ask for, nor do they require them; but, on the contrary, they consider such an interference to be a violation of their constitutional privileges. The colonists know well that nothing but ruin can result from placing the Assembly in such a position; that in it, it would be impossible for it to exercise its legislative functions, nor could it command either the respect or the confidence of the various classes of the inhabitants of the island. There are several subjects on which the House of Assembly are ready to legislate—subjects on which it is their interest they should legislate; but it is not their interest to do so under circumstances that would render their legislation useless and degrading. It is impossible that any body of men would undertake the business of legislation, restricted in the exercise of their free opinions. I submit that I have established, by a revision of different Acts, that if the Imperial Parliament interfere at all, it should only interfere under

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circumstances of paramount necessity, and that the framers of this Bill have failed in establishing any such necessity. The colonists deprecate the passing of this law; and I cannot help thinking, when the House considers that the West India proprietors, also, in this country, call on them to forbear, that they will have no excuse in proceeding with a measure which must tend to shake all confidence in the colony, cause the greatest difference of opinion, destroy all good feeling and every good disposition, and entirely annihilate that close relationship which ought ever to exist between a colony and its mother country.

Mr. BURGE then withdrew.

Mr. LABOUCHERE. — In moving that the Bill be committed for Monday next, I wish to observe, that in the printing of the Bill a material omission has been made in the second clause, which has rendered the intention of it very obscure. When I last addressed the House upon this subject, I stated that it would be the object of the Government to give ample opportunity to the House of Assembly to legislate on all those subjects suggested by the Imperial Parliament. The words which have been omitted, are after the word council, in the second line, "from and after the first day of October, 1839." These words should have been introduced, and are, in fact, necessary to render the intention of the Government clear. I have thought it right to the counsel who has just addressed the House, as well as my duty to the House, to explain this omission, in order to prevent any mistake as to our intentions. I now move that this Bill be committed for Monday next.

Upon the question being put, —

SIR E. SUGDEN said: — I think the words which the Right Honourable Gentleman proposes to introduce will not be found to accord with the rest of the sentence. But my object, in rising, is — to state the course which I intend to pursue when this Bill is in committee. I propose to move to omit the first clause altogether; and, with respect to the second clause, to move that the powers which it confers shall be given to the Governor and council, only in case the Assembly shall have neglected, up to a certain day, — to be named afterwards, — to continue or re-enact those laws to which it refers. It appears, however, that, with respect to this second clause, we are now agreed: my motion, therefore, will be, that the first section of the Bill be omitted.

LORD J. RUSSELL. — I do not know whether I correctly understand the Right Honourable Gentleman; but I collect from what he has said, that he does not mean to take the sense of the House against going into committee on the Bill.

SIR E. SUGDEN. — Hear, hear!

LORD J. RUSSELL. — Then, I understand the Right Honourable Gentleman intends to take the sense of the House against the first clause, which is the clause giving the Governor and council power to enact new laws? The Right Honourable Gentleman proposes to retain the second clause, giving the Governor and council power to re-enact and continue expired laws, but giving it only in the event of the Assembly having neglected to legislate by a certain day.

SIR E. SUGDEN. — The Noble Lord has exactly stated what the object of my motion is.

The motion was then agreed to; Bill committed for Monday next.

WATERFORD FEVER HOSPITAL BILL.

Order for further consideration of Report read; Bill recommitted; instruction to the committee, that they have power to make provision enabling the Grand Jury of the county of Waterford to present money, and repay the county of the city of Waterford certain sums expended in relieving the sick of the county of Waterford, in said hospital; Bill considered in committee, and reported; further consideration of Report on Monday next; Bill, as amended, to be printed.

BANKRUPTS (IRELAND) BILL. — REGISTERS OF BIRTHS, &c. BILL.

Further consideration of Reports deferred till Monday next.

DOUBLE AND TREBLE COSTS BILL.

Reported; to be read a third time on Monday next.

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FRESH FRUIT TRADE.

Mr. HODGES. — I rise to move, That a select committee be appointed to inquire into the state of the fresh fruit trade.

Mr. POULETT THOMSON. — I do not intend to oppose the motion, because I understand that there is a very general and very strong desire, on the part of the fruit growers in Kent and Sussex, to have an inquiry into the state of the law relating to the importation of fruit as it at present stands. To that I can have no objection. As to the article, apples,—the introduction of which I believe is more particularly objected to as interfering with the profits of our own growers,—I must observe, that if the House or the committee should determine that foreign apples shall not be admitted at the moderate duty of 5 per cent., I shall at once abandon all hope of the continuance of those commercial advantages with neighbouring countries which we have of late years enjoyed. I was one of those who supported Mr. Canning and Mr. Huskisson in their views of commercial policy. I am sorry, however, to say, that since I have had the honour to hold office, I have received no support, except from the Right Honourable Baronet the leader of the other side of the House, in my endeavours to carry out those principles of commercial policy so introduced by them.

Now, let us see what is actually the injury which the apple grower has received by the reduction of the duty on the importation of foreign apples — for that, of course, will be one of the first points upon which the committee will receive evidence. Upon inquiry, the House will find that the price of apples, last autumn, after the reduction of duty which took place last summer, was nearly twice as high as it had been in the autumn of the previous year; therefore no injury can have resulted to the grower. But it may be apprehended that injury will be sustained by the British fruit grower, if the present system of low import duties continue. I am quite satisfied that those apprehensions are in a very great degree delusive; because, in a good apple year, when we have a plentiful crop in this country, the price of apples will be so low, that there would be a loss on the importation of foreign apples; it is only in a bad apple year that you can afford to import the fruit from abroad; and I think I may safely say that the price of apples is now as high as it would be, if no importation were allowed. But I conceive that we have a right to claim, on the part of the community, that when there is a scarcity, the people should have all the advantages which it is in the power of the Government to give them to enable them to obviate that difficulty. I hold in my hand a statement which I have received from one of the most important growers in the country, and one of the most deeply interested of those who have petitioned for an alteration of the duty. I asked him to give me an account of the price of apples before the reduction of the duty, and of the price last year; and this is his statement: — In October, 1833, the price of apples was 2*s.* 2*d.* per bushel; in 1834, 3*s.*; in 1835, 2*s.* 4*d.*; in 1836, 3*s.* 6*d.*; in 1837, 1*s.* 9*d.*; and in October, 1838, after the reduction of the duty, 4*s.* 6*d.* I think, then, it would be somewhat difficult to show that any loss has been sustained in consequence of the alteration in question. The operation of the change of duty is just this, — owing to the perishable nature of this article, — that, in bad years, you get the article when you want it, and in good years it will not pay you to import it, — the cost of importation being about 2*s.* a-bushel in addition to the original cost of the apples. I have no objection to the appointment of the proposed committee; but what I wish is, that the inquiry should be extended — so as to embrace the whole question — into Mr. Huskisson's alteration, as well as mine. Of this, however, I am quite satisfied, — that we have conferred advantages on the commercial interest which it had not, before, and that we have created a trade which did not previously exist. In agreeing to the motion for the inquiry, I have but this to add,—that whatever may be the opinion of the committee, it will take very much to convince me that, in a country like this, such an article as apples requires a protective duty of nearly 200 per cent.

SIR E. KNATCHBULL. — I will not follow the example set by the Right Honourable Gentleman, of saying anything which can be likely to prejudice the fair consideration of this question by a select committee. It is a question which materially affects the poorer classes, and particularly those in Kent and Sussex. It has also a very important bearing on the question of tithes. I shall not, however, say a word on its merits, as I have no doubt that a full and fair investigation will take place before the committee, when the House will be in a much better condition to give an opinion, than it can be at this time.

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Mr. WALLACE.—It is only by the introduction of foreign apples that the poorer classes can, in all seasons, obtain their apple dumplings on Sundays. For my own part, I think we ought to allow the introduction, at moderate duties, of all articles that cannot be always produced in our own uncertain climate. And with this feeling I shall divide the House against the appointment of a select committee.

Mr. HERRIES.—The Right Honourable Gentleman the President of the Board of Trade has taunted Honourable Gentlemen on the Opposition side of the House with not having supported him in the liberal course of policy which he has pursued with regard to trade. There is certainly no good ground for that taunt; for never has any gentleman, at the head of a public department, been so little attacked, even when most open to attack, by an Opposition, as the Right Honourable Gentleman. He is allowed to bring forward Bills at the end of the Session, and to press them through the House, when those who are materially interested are absent and unable to offer opposition; and this, too, almost without complaint. The Right Honourable Gentleman has most unjustly accused us of having swerved from those principles which we advocated when they were brought forward by Mr. Canning and Mr. Huskisson. Now, however the Right Honourable Gentleman may have been deserted, in his attempts to carry out those principles, by Honourable Members near him, he has never heard one word of opposition from those who sit on this side of the House, and were in office at the time he speaks of. As regards the question under consideration, I shall not, at this time, express an opinion on its merits. Indeed, it would be premature in me to do so until the result of the investigation which is to take place is known. I cannot, however, help saying, that, considering the mode in which the Right Honourable Gentleman introduced the Customs Bill last Session, it will be quite impossible for him to refuse this committee. That Bill was introduced at so late a period, that no opportunity was afforded to those whose interests were materially affected by its provisions, to offer the measure any opposition. I think that the growers of Kent and Sussex, whose whole interests are wrapped up in this subject, ought to have some little attention paid to them by the Right Honourable Gentleman. Their feelings ought not to be wholly disregarded by the Minister of the Crown, in considering this matter; and I repeat, that never was there a case in which the Right Honourable Gentleman was more bound to grant an inquiry than in the one now before us.

Mr. MARK PHILIPS.—The Honourable Gentleman who has just sat down has complained of my Right Honourable Friend that he did not bring forward the Customs Bill until a late period of last Session; but I believe he has no power to bring in any measure involving alterations in the customs duties, until after the Chancellor of the Exchequer shall have brought forward his Budget. It is not my intention to join with the Honourable Member for Greenock in opposing this motion; and I trust that, in giving my cordial assent to the proposed inquiry in this case, I shall not stand worse with the House than those Honourable Gentlemen who successfully refused the proposition for a committee to inquire into the effect of the operation of the corn laws. I consider regularity of supply and moderate prices highly desirable to all classes; and, as to the article of fruit, those objects, from the uncertainty of this climate, cannot be attained, except by the introduction of foreign fruit.

Mr. GODSON.—I do not rise to express any opinion upon the merits of the question, but merely to assure the House that there are other counties as deeply interested in this matter as either Kent or Sussex.

Mr. DARBY.—The Honourable Member for Manchester (Mr. Mark Philips) has stated, as an excuse for delaying Bills that involve matters relating to the customs, that they cannot be brought in until the Budget has been submitted. Now, I do not think that this is a question which depends upon the Budget; but, if it be, that is only an argument why the Budget should be produced at an earlier period. It is the general opinion of all classes, that, if the Act of last Session be continued in force, the proprietors of orchards in Kent and Sussex will be ruined. And it has been said by one apple grower, who employed forty men every week during the last season, that, if the present low duties were to continue for any length of time, the orchards of this country would be destroyed. I think, then, this becomes a subject of very great importance to the poorer classes,—not to the extent of as to whether they shall have foreign apples for their puddings? but, whether a large portion of them shall be deprived of the means of supporting themselves and their fa-

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milies? I hope the House will accede to the motion for inquiry; but, whether it do or not, I shall in future feel it my duty, when any Customs Bill is brought forward at a late period of the Session, to examine it closely, and see that the protecting duties be not taken off without proper discussion.

Mr. HODGES. — In this case the protecting duty was removed without any petition having been presented, or any remonstrance or complaint being made against it.

The House then divided: — Ayes 26; Noes 14; — Majority 12.

AYES.

Brotherton, J.	Pryme, G.
Darby, G.	Rice, Rt. Hon. T. S.
Godson, R.	Sheppard, T.
Grimsditch, T.	Steuart, R.
Herries, Rt. Hon. J. C.	Talfourd, Mr. Serjeant
Hurt, F.	Thomson, Rt. Hon. C. P.
Ingham, R.	Turner, W.
Knatchbull, Rt. Hon. Sir E.	Wilde, Mr. Serjeant
Mahon, Lord Viscount	Williams, W. A.
Morris, D.	Wood, G. W.
O'Ferrall, R. M.	Yates, J. A.
Palmer, C. F.	
Phillips, M.	*Tellers.*
Pigot, D. R.	Filmer, Sir E.
Plumptre, J. P.	Hodges, L.

NOES.

Aglionby, H. A.	Marsland, H.
Bewes, T.	Redington, T. N.
Blake, M. J.	Roche, Sir D.
Clements, Lord Visct.	Rundle, J.
Gibson, T. M.	Thornely, T.
Hastie, A.	
Hawes, B.	*Tellers.*
Lushington, C.	Hobhouse, T. B.
Lushington, Rt. Hn. S.	Wallace, R.

Committee to be nominated on Monday next.

COUNTY COURTS BILL.

Mr. Harvey added to the committee.

PRIVATE BUSINESS COMMITTEE. — RAILWAY COMMUNICATION COMMITTEE.

Mr. Childers added to these committees.

COPYRIGHT BILL.

Committee deferred from Thursday, the 13th of June, till Thursday, the 20th of June.

Adjourned, at twelve o'clock, till Monday next.

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HOUSE OF LORDS, LUNÆ, 10° DIE JUNII, 1839.

APPEALS.

Abernethie *v.* Forbes (or Gordon).—In part heard, and adjourned to Monday next.

Fleming *v.* Dunlop.—Consideration of the cause (which stands appointed for to-morrow) put off to Thursday next.

Sheehy *v.* Lord Muskerry.—To be considered to-morrow.

MARCHMONT PEERAGE.

Committee for Privileges to meet on Tuesday, the 18th instant.

ROBERTSON'S ESTATE BILL.

Read a third time, and passed, and sent to the Commons.

ALLISON'S DIVORCE BILL.

Order of the Day for the House to be put into committee, and the Lords summoned, read; House in committee accordingly, and went through the Bill, with amendments: the Report thereof to be received to-morrow.

VISCOUNT TAAFFE.

Petition of, claiming a right to vote at the elections of representative Peers for Ireland.—Read, and referred to the Committee for Privileges.

MELLIN'S DIVORCE BILL.

Read a second time, and committed to a committee of the whole House to-morrow, and the Lords summoned.

LORD CREMORNE'S CLAIM TO VOTE FOR REPRESENTATIVE PEERS FOR IRELAND.

Committee for Privileges to meet on Tuesday, the 18th instant.

MILLS'S (OR DIGBY'S) ESTATE BILL.

Returned from the Commons, agreed to.

GILES'S ESTATE BILL.

Reported, with amendments; and to be ingrossed.

IVANOFF'S NATURALISATION BILL.

Reported, without amendment; and to be ingrossed.

APPEAL COMMITTEE.

Sixth Report from.—Read and agreed to, and ordered accordingly.

LORD LANGFORD'S ESTATE.

Report made, that the committee (at the desire of the parties promoting the Bill) had not proceeded further in consideration of the same.

House adjourned during pleasure, and resumed by the EARL of SHAFTESBURY.

House adjourned during pleasure, and resumed by the LORD CHANCELLOR.

THE QUEEN'S ANSWER TO ADDRESS OF THURSDAY LAST.

Reported.

WEST DURHAM RAILWAY BILL.

Petition praying to be heard by counsel against,—of owners and occupiers of property on the line.—Read, and ordered to lie on the table.

Bill read a second time, and committed. The committee to be proposed by the

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Lords' Committees appointed for proposing Committees on Opposed Bills.

WEST CROFT INCLOSURE BILL.—WEST BECKHAM AND ALBY INCLOSURE BILL.—NOTTINGHAM COMMON FIELDS INCLOSURE BILL.—EDENFIELD AND LITTLE BOLTON ROAD BILL.—ABERDEEN MARKETS AND IMPROVEMENTS BILL (No. 1.).

Read a second time, and committed for Thursday next.

NORWICH TONNAGE BILL.

Read a second time, and committed for to-morrow.

BARTON INCLOSURE BILL.

Read a third time, with the amendments; passed, and sent to the Commons.

DOVER, DEAL, AND SANDWICH ROAD BILL.

Reported, with an amendment.

NORTHERN AND EASTERN RAILWAY BILL (No. 2.).

Petition of the Marquess of Salisbury, complaining that the Standing Orders have not been complied with, and praying to be heard by himself, his agents, and witnesses, in support of the allegations of his petition. — Read, and ordered to lie on the table.

Bill referred to the Standing Orders Committee on Friday next, and the above petition also referred to the committee.

SAWMILL FORD BRIDGE AND ROAD BILL.

Brought from the Commons, agreed to.

LONDON AND BIRMINGHAM RAILWAY BILL.—BRIGHTON GAS BILL.

Severally reported, without amendments.

PARRETT NAVIGATION BILL.

Reported, with an amendment.

MANCHESTER AND LEEDS RAILWAY BILL.

Report from the Select Committee appointed for proposing Committees on Opposed Bills, That the following Lords be selected, and proposed to the House, to form the select committee for the consideration of the Bill; — namely,

The Earl of Dartmouth,
The Earl de Lawarr,
The Earl of Bandon,
The Lord Douglas of Douglas,
The Lord Calthorpe.

Agreed to; and the said Lords appointed accordingly. The committee to meet on Wednesday next, at eleven o'clock; and the petitions praying to be heard by counsel against, severally referred to the committee, with leave to be heard, as desired; as also counsel for the Bill.

POSTAGE.

The DUKE of RUTLAND, LORD BROUGHAM, and VISCOUNT MELBOURNE presented petitions for the reduction of the rate of, — of the provost, magistrates, and town council of Aberbrothwick: of the mayor, aldermen, and burgesses of Stamford; and Liverpool: of bankers, merchants, traders, manufacturers, and others of Glasgow; and Belfast: of the board of guardians of the Hertford union: of Protestant dissenting ministers of Sunderland: of ladies of Belfast: of wives, mothers, and daughters of seamen sailing from the port of Great Yarmouth: of the committee of the Mechanics' Institution, Greenock: of subscribers to Drury Lane Newsroom, Newcastle upon Tyne: of machine makers in West Street machine works, Glasgow: of the Hammermen Trade or Incorporation of Dundee: of pupils at Mr. Sigston's academy, Queen Square, Leeds: and of inhabitants of Hertford; Skeffington; Eltham; Coleraine; Wem; Balmerino; Antrim; Mildenhall; Llanrwst; York; Leamington Spa; Kingsbridge; Elphin; Stafford; Whitchurch; Dodbrooke; and Beverley. — Read, and ordered to lie on the table.

Also, a petition of the board of guardians of the Clutton union. — Read, and ordered to be received as the petition of

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W. C. James (chairman), who, only, has signed it.

POOR LAW AMENDMENT ACT.

The EARL of DURHAM presented a petition for alteration of, relative to the affiliation of bastard children, — of the board of guardians of the Houghton-le-Spring union. — Read, and ordered to lie on the table.

SCOTCH CHURCH.

The EARL of DURHAM presented a petition against the further endowment of, — of members of the United Secession congregation of Rigg and Gretna. — Read, and ordered to lie on the table.

SOUTHERN AFRICA.

The EARL of RIPON. — I beg leave to present a petition from certain individuals, who express their opinion that a colony could easily be settled, and with every prospect of success, on the South coast of Africa, and pray that steps may be taken to facilitate such an undertaking. Although I present the petition, I do not mean to venture any opinion on the subject.

Read, and ordered to lie on the table.

FACTORIES REGULATION ACT.

LORD LYNDHURST. — I have to present a petition from three individuals, who describe themselves as cotton spinners of Glasgow, who were examined before a parliamentary committee, last year, with respect to factory labour. They declare that the statements they then made, from their own observations and knowledge, were as accurate as possible. They complain of an evasion of the factory laws, — state that the Report of Mr. Stuart is drawn up with great partiality, — and pray your Lordships to appoint a committee to inquire into the facts. I have also another petition to present on the same subject, which emanates from the inhabitants of Glasgow, assembled at a public meeting. The petitioners say that the evidence given before the committee of the other House of Parliament on the subject of factories, was correct, and that many of the statements contained in Mr. Stuart's Report are unfounded. They therefore pray that an inquiry may be instituted with respect to the truth of the facts stated in evidence, and also as to the correctness of the assertions contained in Mr. Stuart's Report. I merely move that the petitions be laid on the table. It is not my intention to move for the appointment of a committee, because I understand that similar petitions will be presented to the other House of Parliament, and it is not impossible that a committee will be appointed, there, to investigate the facts referred to.

Read, and ordered to lie on the table.

ROMAN CATHOLIC CHANCELLOR AND ECCLESIASTICAL JUDGES.

VISCOUNT STRANGFORD. — I am extremely anxious to put a question to the Noble Viscount opposite, on a subject which I conceive to be of great interest and importance to her Majesty's Protestant subjects. I perceive, from the printed "Votes" of the House of Commons, that an Honourable and Learned Member of that Assembly has given notice of his intention to bring in a Bill to enable persons professing the Popish faith to practise in the spiritual courts of these realms, and to hold the office of Lord High Chancellor. I could only know the circumstance through the channel to which I have alluded; but I have heard that the announcement was received with cheers by those to whose support the Noble Viscount is mainly indebted for his small majorities; and that no expression of disgust or indignation came from the colleagues of the Noble Viscount, — they being the Protestant servants of a Protestant Sovereign. I now wish to ask whether the measures, of which notice has been thus given, are to be brought forward with the concurrence and sanction of any portion of that section of which it is said the present Cabinet is partly composed? — whether the Government have given any countenance to such a proceeding?

VISCOUNT MELBOURNE. — Certainly not. The subject was not introduced with the sanction or approbation of her Majesty's Government.

VISCOUNT STRANGFORD. — I am very glad of it.

LORD BROUGHAM. — Such a proposition seems to me to be almost as harmless as it is absurd.

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MR. O'CONNELL.

The MARQUESS of LONDONDERRY. — My Lords, I have to express my astonishment that certain statements which have been publicly made by an Honourable Member of the other House, and which have been reiterated by the Honourable and Learned Member for Dublin, have not met with the reprehension they deserve from the Noble Viscount and his colleagues. They ought to have been the first to repel such base, unmanly, and wicked statements. Those speeches have, however, been suffered to pass unnoticed! No attempt has been made to check such proceedings! I believe, in truth, that Ministers cannot help themselves; and, that being the case, I can assimilate the authority that is exercised over them in no other manner, than by comparing it to that sort of control which Mr. Van Ambergh exercises over his lions.

The MARQUESS of LANSDOWNE. — I rise to order. I put it to your Lordships whether it is not unusual and irregular to proceed with a discussion when there is no motion before the House?

The MARQUESS of LONDONDERRY. — I can meet the objection of the Noble Marquess by moving the Order of the Day; though I do not think, looking to the constant practice of the House, that I am out of order. When a question is asked with reference to certain proceedings of the Honourable and Learned Member for Dublin, I certainly have a right to state my opinion as to the situation in which the Government is kept by that individual.

The MARQUESS of LANSDOWNE. — It certainly is out of order, after a question has been put and answered, to proceed with a discussion.

The MARQUESS of LONDONDERRY. — I will put it to the candour of the Noble Marquess, whether these things are not constantly done? Whether they are not done night after night, and week after week? I would ask, is not the Noble and Learned Lord opposite constantly doing the same thing?

LORD BROUGHAM. — Certainly, this course is often taken. The Noble Marquess is not, undoubtedly, the first to adopt the practice, though he often recurs to it. I admit that I have, myself, sometimes followed the example of the Noble Marquess. I wish to state, with regard to what has been said respecting the individual ——

The MARQUESS of LONDONDERRY. — The Noble and Learned Lord is now speaking, there being no question before the House. Surely, then, I have a right to take the same latitude.

LORD BROUGHAM. — Perhaps I shall be excused, in consequence of some correspondence which has taken place with me on this subject. It is not correct to say that the Honourable Member for Dublin used the same violent language as others at the meeting in question; on the contrary, he veiled his language much more than others who spoke there. It is also right to state, that the Honourable Gentleman to whom allusion has been made has denied having used certain very coarse expressions that have been imputed to him. I certainly feel that I ought to apologise to your Lordships for ever having entered into the matter at all; but I have deviated from my usual course, in consequence of the great respect which I owe to that illustrious family.

A NOBLE LORD. — To one individual.

LORD BROUGHAM. — I certainly speak of the "late" Mr. Grattan; and I am greatly astonished that such sentiments should have been attributed to a descendant of his.

The MARQUESS of LONDONDERRY. — Does he say that he did not use the words imputed to him?

LORD BROUGHAM. — He declares that his expressions were not so strong as they have been represented.

The MARQUESS of LONDONDERRY. — Can the Noble and Learned Lord defend the expressions of the Honourable and Learned Member for Dublin?

LORD BROUGHAM. — Surely not. — Quite the contrary.

The MARQUESS of LONDONDERRY. — Then I will read what was said by the Honourable and Learned Member for Dublin, from which the other Honourable Member alluded to did not dissent. Mr. O'Connell said, "That her Majesty's life would not be safe if the Tories came into power; and he (Mr. O'Connell) declared solemnly, that he was convinced her Ma-

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jesty would not live six months if that event took place. They should remember that English Kings and Princes, before now, had been murdered. The Duke of Buckingham had put his nephews to death." Now, without reading any further, did Mr. H. Grattan, I would ask, in his speech, say less than that? And, with regard to that individual's allusion to an illustrious personage who is not here,—I mean the King of Hanover,—I think it is my duty, in my place in this House, to state that her Majesty has not a subject in the realm more devotedly attached to her, or who would more willingly sacrifice his blood and life in her defence, than that Sovereign Prince. Yet we find these infamous statements concerning him openly made to the people of Ireland,—the most inflammable people in the world,—unreproved and uncensured. We find, moreover, if report speak truly, that, through the agency of the Honourable Member for Dublin, the Noble Marquess opposite (the Marquess of Normanby) is endeavouring to thrust out of power the Noble Viscount near him. Good God! I should like to see such a Government. If the Noble Viscount is disposed to yield his sceptre to the Noble Marquess, let him do so, and we shall meet him in a straightforward and determined manner; and the country will soon see whether such a miserable association—(I do not use the expression personally, but I mean miserable in point of policy, and in point of influence)—can stand. I am happy to have had an opportunity of expressing my sentiments on these most base and infamous speeches that have been made in Ireland; and I feel convinced that those who deal in such calumnies will, in the end, be visited by the just contempt of society.

The MARQUESS of NORMANBY. —I can assure the Noble Marquess that I have no intention of gratifying his wishes, by assuming the reins of Government.

GOVERNMENT MAIL PACKETS.

The EARL of WICKLOW.—I wish to put a question to the Noble Earl at the head of the Admiralty on a subject which has recently become very important, in consequence of the facility which the Liverpool Railway affords for communication with Dublin. Before the management of the mail packets was transferred from the Post Office to the Admiralty, great advantage was derived from the Government packets conveying parcels of a certain weight, at a moderate charge, across the Channel. If the convenience were great at that time, it is infinitely greater now, in consequence of the formation of the railway. Since the transfer, the Admiralty have thought it necessary to appoint an agent for the transmission of parcels. I do not complain of the appointment in itself, but I complain that it was bestowed in such a manner as to confer on the agent a complete monopoly with respect to the transit of goods, and it enables him to impose such conditions as he pleases on their transit. The individual selected is Mr. Peter Purcell, who has been one of the prime agitators of Ireland,—a determined "Precursor," and an active supporter of a gentleman who has been a good deal spoken of this evening. In consequence, however, of his having called for a detailed "account of the funds" of the Precursor Society, I believe that Mr. Purcell is no longer patronised in that quarter. Under such circumstances, it is probable that he would not have been favoured with this appointment, now; but he received it in June last. Now, what I complain of is this,—that the agent thus appointed has a right to ask what sum he pleases for the transit of goods; and, further, that he may refuse to take them at all, unless he is employed to forward them to whatsoever part of the country they are destined for. This is felt as a matter of great grievance and vexation by the other carriers in Dublin. I contend that the Noble Earl has no right to make an appointment to which such powers are attached. He ought not, for the sake of patronage, to have bestowed such a monopoly on any one individual. He has no right to deprive all other persons of the advantage of the transit of goods by those packets, unless they also commission the Government agent to send them to those places for which they are ultimately intended, and unless they agree to pay whatsoever sum he pleases to charge. I have, myself, felt the inconvenience of the system of which I complain; for many packages were transmitted to me from this country, and I found the charges so high that I was actually obliged to forego the benefit of the railroad. I wish to know whether it is intended to remove this evil?

The EARL of MINTO.—I feel much indebted to the Noble Earl for his courtesy in having intimated his intention to me to bring forward the subject, as by so doing I have been enabled to make such inquiries as place it in my power to

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give a satisfactory answer. Originally, the Post Office packets were not allowed to carry parcels at all; but in the course of 1837 the Admiralty packets were permitted to take such packages as are usually conveyed by mail coach. The superintendents of the Admiralty packets represented to the Post Office the great inconvenience of this, and wished the practice to be no longer continued. A communication to this effect was made to the Treasury; but the Treasury ordered an arrangement to be made for the transmission of such packages, and directed Commander Chappel, of the Post Office packet station at Liverpool, to make the best arrangement for such transmission. About a month afterwards an offer was made, through Commander Chappel, by Mr. Purcell, to undertake the conveyance of all parcels. I can assure the Noble Earl that the politics of Mr. Purcell, whether they be good, bad, or indifferent, are perfectly unknown at the Admiralty. Commander Chappel stated that this Mr. Purcell was a considerable coach proprietor in Ireland, and was, therefore, a likely person to undertake the arrangement. An arrangement was accordingly made with him as to the conveyance of those packages; but nothing of the nature of a monopoly was granted to him It was thought advisable that some person should be responsible to Government for the safe delivery of all packages, and that was the reason for the appointment. With regard to the future arrangement of the packets of the Admiralty, the contracts for the packets are, that they shall deliver the mails; they take no cognizance of them as passage boats for passengers or for parcels. The Admiralty have nothing to do with what they charge for them. If it be true that this gentleman has abused his privilege, it is quite obvious that parties may send their packages by other steamers.

The EARL of WICKLOW. — "It is quite obvious" to me that the Noble Earl does not clearly understand the position in which this agent is placed. I do not doubt it. I am aware that the Noble Earl has matters of greater importance to manage, and may not, therefore, have attended very closely to this: but I am always disposed to think that persons filling inferior positions are never guilty of abuses if proper superintendence be exercised over them; and therefore the responsibility rests with those whose duty it is to exercise that superintendence. It is evident that the Noble Earl does not understand the subject; for he says there is no monopoly, as parties can send by other packets. The very reason of establishing this mode of conveyance is, that the Post Office packets, from their greater velocity, afford better facilities for transmitting parcels; and this advantage is now monopolised, and the public are deprived of these except at unreasonable charges, — Mr. Purcell demanding what he likes.

The EARL of MINTO. — No doubt, there must be some slight fault to complain of; but if the Noble Earl had mentioned to the Admiralty that there was any irregularity, or any abuse or overcharge, the Admiralty would have paid immediate attention to such representation. I really know nothing of the manner in which Mr. Purcell proceeds.

The EARL of WICKLOW. — I know that.

The EARL of MINTO. — I understand that Mr. Purcell undertakes to deliver the parcels to the parties to whom they are addressed.

EDUCATION (NATIONAL).

LORD BROUGHAM. — I beg leave to present a petition from the Baptists of Coate, in favour of the national education scheme, and asserting that the clergy of the established church have no right to assume the exclusive education of the children of the people.

Ordered to lie on the table.

LORD BROUGHAM.—As regards my Bill on education, my only reason for abstaining from pressing it forward, hitherto, has been my reluctance to enter into polemical controversy; but I am not, now, disposed to abstain any longer from proceeding with it. With respect to the Government plan, nothing can be more absurd than the stories going about, that it is for a great system of national education; on the contrary, it is very limited in its nature. But my Bill embraces every part of the subject, and will, therefore, afford your Lordships full scope for the discussion of it. As to the time of bringing the measure forward, I think I shall best consult the convenience of both sides of the House, by naming Thursday week.

The EARL of WINCHILSEA and the BISHOP of LONDON presented petitions against the plan recommended by the Privy Council, — of members of the Bath

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Church of England Lay Association: and of inhabitants of Iver; Blendworth; Saint Asaph; Derby; Wingham; Leicester; and Leasingham.

On presenting several of the above petitions, —

The BISHOP of LONDON said: — I have several petitions to present, of a contrary nature to that from Coate, presented by the Noble and Learned Lord, against the scheme of national education. The petitioners to whom the Noble and Learned Lord has alluded, suppose the clergy to be claiming the exclusive education of the people. That is a claim which was never put forward by the clergy. They claim a right to the exclusive education only of the children of the Church of England, — a right which, by God's blessing, they will never recede from.

The MARQUESS of LANSDOWNE. — My Noble Friend in the other House has not put forward any such extravagant and abominable pretension as that adverted to by the Noble and Learned Lord. Such a pretension, however, is believed to be avowed on the part of the Church of England. The plan proposed by my Noble Friend for the partial training of schoolmasters for the accommodation of all classes, has been objected to by persons in high authority, and connected with the Church of England, on grounds utterly untenable, except on the ground that the Church of England should enjoy a monopoly of the education of youth. I am glad to hear from the Right Reverend Prelate that he distinctly denies this. I will not now detain your Lordships by going into any detail on the subject; but I thought it due to the Right Reverend Prelate to exempt him from the charge of entertaining that inordinate pretension which has been held in different places.

The BISHOP of LONDON. — I only wish to say one word in reply to what has just fallen from the Noble Marquess. The Noble Marquess says that I have disclaimed, on my own part, and on that of the church, the pretension to which he has alluded. I did not presume to speak on behalf of the church. I stated my own opinion, and what I believe to be the opinion of the church at large. I am unwilling to put myself forward as the representative of the church on this occasion. What I stated was, that the clergy of the Church of England claimed the exclusive education only of the children of their own persuasion.

Read, and ordered to lie on the table.

Also, a petition of the committee of the Derby and Derbyshire Auxiliary Established Church Society. — Read, and ordered to be received as the petition of J. G. Howard (chairman), who, only, has signed it.

THE MAURITIUS.

The MARQUESS of NORMANBY. — My Lords, I beg to observe, with respect to the Mauritius, that though I have as yet received no official communication from the island, I have information from colonial newspapers of the 3d of March, which have been put into my hands, to the effect that the Order in Council has arrived out there, and has been proclaimed, and that total emancipation was to take place almost immediately.

LORD BROUGHAM. — I am extremely glad to hear it. It is a cruel thing to think that slavery should have existed longer, by six months, in the Island of Mauritius, than in any other of the British colonies, whether Crown or chartered colonies, when, in reality, emancipation ought to have come into operation sooner, there, than anywhere else. I say sooner than anywhere else, because, by the owners' own accounts, it is admitted that 1 in 3, or 1000 out of 3000 slaves, were imported into the country in direct defiance of the law, by which such importation was made a capital felony. This is the amount admitted; but, in reality, not fewer than one half of the whole number of slaves in the island were imported under the connivance of various persons who have been in authority at different times, and who, for their conduct in that respect, ought to have been impeached.

ESTABLISHED CHURCH.

The EARL of WINCHILSEA presented a petition against any measure having for its object the reduction of cathedral dignities, — of clergy of the Church of England in the deanery of Sutton and diocese of Canterbury. — Read, and ordered to lie on the table.

ESTABLISHED CHURCH (CANADA).

The EARL of WINCHILSEA and the BISHOP of HEREFORD presented petitions for the protection of, — of the ministers,

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churchwardens, and others of Leominster; Caynham; Brewood; and Birmingham. — Read, and ordered to lie on the table.

CHURCH DISCIPLINE BILL.

The Earl of Winchilsea and the Bishop of Exeter presented petitions against, — of the archdeacon, clergy of the archdeaconry, and others of Durham: of clergy of the archdeaconry of Sudbury: of clergy of the deanery of West Cornwall; and Eaton: and of clergy and laity of Ashby de la Zouche.

On presenting several of the above petitions, —

The BISHOP of EXETER said: — I will take this opportunity of stating, in consequence of something that occurred the other night, what my habit is with respect to the petitions of my clergy. It is my habit, when any important measure affecting the church is about to be submitted to Parliament, to consult my clergy through the medium of my archdeacons; and, on a late occasion, I permitted the publication, in a country newspaper, of a letter addressed by me to one of those officers for that purpose. I beg to add, that I shall continue to pursue this course, because I think that, as the clergy have no longer an opportunity of recording their sentiments on meeting in the two houses of convocation, they ought to have an opportunity of meeting, privately or otherwise, and apprising their bishops of the result of their deliberations respecting measures touching the interests of the church.

Read, and ordered to lie on the table.

The ARCHBISHOP of CANTERBURY. — Instead of moving that the House do now go into committee on the Church Discipline Bill, I consider it expedient to save your Lordships a great deal of discussion, which will be necessary as to its details. I beg to move that the Bill be referred to a select committee up-stairs.

The BISHOP of EXETER. — I beg leave to express my warm concurrence in the proposition of the Most Reverend Prelate. It is much better that the Bill should be discussed calmly and quietly in a committee up-stairs. The subject is not one for an exciting debate.

The Bill was then, accordingly, referred to a select committee, to consider and report: the Lords following were named of the committee; and the committee to meet on Wednesday next, at two o'clock: —

The Archbishop of Canterbury,
The Lord Chancellor,
The Archbishop of York,
The Lord President,
The Duke of Wellington,
The Earl of Devon,
The Earl of Dartmouth,
The Lord Bishop of London,
The Lord Bishop of Durham,
The Lord Bishop of Winchester,
The Lord Bishop of Lincoln,
The Lord Bishop of Bangor,
The Lord Bishop of Rochester,
The Lord Bishop of Chester,
The Lord Bishop of Gloucester and Bristol,
The Lord Bishop of Exeter,
The Lord Bishop of Ely,
The Lord Bishop of Ripon,
The Lord Bishop of Salisbury,
The Lord Bishop of Norwich,
The Lord Bishop of Hereford,
The Lord Dacre,
The Lord Kenyon,
The Lord Ellenborough,
The Lord Bexley,
The Lord Lyndhurst,
The Lord Wynford,
The Lord Brougham and Vaux,
The Lord Ashburton,
The Lord Langdale,
The Lord Wrottesley.

POOR LAW AMENDMENT ACT.

Petition for alteration of, relative to the affiliation of bastard children, — of the board of guardians of the Houghton-le-Spring union. — Read, and ordered to lie on the table.

CORN LAWS.

Petitions against alteration of, — of landowners, farmers, and others of Kirby Moorside; and Helmsley. — Read, and ordered to lie on the table.

PRINTING THE BIBLE.

Petition praying that the exclusive privilege enjoyed by the Queen's printers for Scotland, of printing the Bible, may be discontinued, — of the pastor, elders, and members of the United Associate con-

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gregation in North Leith, and others. — Read, and ordered to lie on the table.

Petition taking notice of the approaching termination of the patent enjoyed by the Queen's printers for Scotland, and praying that the claim made by Scottish Universities, of the sole right of printing the Bible, may be refused, — of the minister and elders of the United Associate congregation of Broughton Place, Edinburgh. — Read, and ordered to lie on the table.

BEER ACT.

Petitions for alteration of, — of magistrates, clergy, bankers, and others of Blackburn; and of retail beer-sellers and others of Lewes. — Read, and ordered to lie on the table.

EDUCATION (NATIONAL).

Petition in favour of the plan recommended by the Privy Council, — of inhabitants of Middlesbrough. — Read, and ordered to lie on the table.

BEER BILL.

Petitions against, — of retailers of beer residing in the hundred of Bosmere and Claydon; and of licensed beer-sellers of Bury. — Read, and ordered to lie on the table.

PAPERS.

Additional Post Office convention between her Majesty and the King of the French, for the conveyance through France of the correspondence between England and the East Indies. — Delivered (by command), and ordered to lie on the table.

Copies or extracts of correspondence relative to the affairs of Canada. — Delivered (by command), and to be printed.

Copies or extracts of any despatches relative to the emancipation of slaves in the Mauritius, with the answers thereto. — Delivered (pursuant to Address of the 30th of April last), and to be printed.

Return of the number of persons on the ecclesiastical establishment of the Church of England, and of the Presbyterian church, and other religious denominations, maintained by grant of public money, in each of the colonies, and in the territories of the East India Company; stating the rank of each, where stationed, the expenses of fixed salary, and of allowances of each, and the total expenses of each colony (or presidency and dependency) for such establishments, in sterling money, for the last year the account can be made up, so as to exhibit the whole amount paid for the support of religion of every denomination (so far as regards the department of the Secretary of State for the Colonies): Also,

Return stating the amount of assistance afforded from the public revenues in aid of religious instruction in New South Wales; showing, also, the result of the measures adopted by the Government for the extension of the means of religious instruction generally within that colony, since the 1st of January, 1836: And, also,

Similar Return for the colony of Van Dieman's Land; together with an extract of so much of the address of Lieutenant Governor Sir John Franklin to the Legislative Council, dated the 30th of June, 1838, as relates to the establishment of schools within that colony.

Delivered (pursuant to Address of the 16th of May last), and to be printed.

Copy of the militia general order touching the Court of Inquiry held upon Colonel Prince. — Delivered (pursuant to Address of the 30th of May last), and to be printed.

Adjourned.

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HOUSE OF COMMONS.

PRIVATE BUSINESS.

The following petitions were severally presented; namely, —

Deptford Pier Junction Railway Bill, — Of William Sandom, praying that the inhabitants of Deptford, who petitioned the House upon Friday last, may have leave to be heard before the committee on the Bill, notwithstanding their petition was not presented three clear days before the day appointed for the first meeting of the said committee.

Deptford Pier Bill, — Of William Sandom, praying that the inhabitants of Deptford, who petitioned the House upon Friday last, may have leave to be heard before the committee on the Bill, notwithstanding their petition was not presented three clear days before the day appointed for the first meeting of the said committee.

Sidmouth Improvement and Market. — Petition of James Robinson Hayward, for enlarging the time for the committee to report.

To lie on the table, and to be printed.

Birmingham Canal Bill, — Of Charles Woodcock, praying to be heard against the petition for additional provision.

Belfast Water (*No.* 1.). — Petition of the Marquess of Donegall and the Earl of Belfast for leave to proceed with the Bill.

Referred to the Select Committee on Petitions for Private Bills.

Norwich Improvement Bill. — Petition of Sir William Foster, Baronet (presented 7th of June), read.

Ordered, That it be an instruction to the committee on the Norwich Improvement Bill, that, under the circumstances of the case stated in the petition of Sir William Foster, Baronet, the petitioners who presented a petition to this House on the 28th day of May last, be permitted to be heard, by themselves, their counsel, or agents, upon their petition, before the said committee.

Belfast Water (*No.* 1.). — Petition for Bill reported; Report to lie on the table.

Ship Propeller Company. — Petition for Bill reported; Bill ordered to be brought in by Mr. CAYLEY and Mr. MILNER GIBSON.

Petition for leave to proceed with the Bill, reported; leave given.

Brighton Cemetery Bill; Itchen Bridge and Roads Bill; Peterborough Gaol Bill; Bradford (*Wilts*) *Improvement Bill; Croydon, Merstham, and Godstone Iron Railway Company Bill; Glasgow and Renfrew Road Bill.* — Reported; to be ingrossed.

South Eastern Railway (*No.* 2.) *Bill.* — Reported; Report to lie on the table, and to be printed.

Mills's (*or Digby's*) *Estate Bill; Hulme's Estate Bill.* — Reported, without amendments; read a third time, and passed.

Brompton New Road Bill; Deptford Pier Junction Railway Bill; Deptford Pier Bill. — Time for committees to report on these Bills enlarged till Monday, 17th of June.

Black Quarry (*or Anniesland*) *Road Bill.* — Time enlarged for committee to report till Wednesday, 19th of June.

Manchester and Birmingham Extension (*Stone and Rugby*) *Railway Bill*, — Time enlarged for committee to report till Monday, 24th of June.

Waterford Fever Hospital Bill. — Order for further consideration of Report read; Bill recommitted, and considered in committee; to be reported tomorrow.

Tyne Dock Bill. — Report further considered (prints having been delivered on Tuesday, 4th of June); amendments agreed to; Bill to be ingrossed.

Southmolton Roads Bill. — Report further considered (prints having been

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delivered on Thursday, 23d of May); Amendments agreed to; other amendments made; Bill to be ingrossed.

Sawmill Ford Bridge and Road Bill. — Read a third time, and passed.

Lord Templemore's Estate Bill; Ladykirk Estate Bill; Earl of Darnley's Estate Bill. — Read a first time; to be read a second time.

Bury (Lancaster) Small Debts Bill. — Read a second time, and committed to Mr. RICHARD WALKER and the South Lancaster list.

Bethlem Hospital Estate Bill. — Read a second time, and committed to SIR MATTHEW WOOD and the Middlesex list.

PUBLIC BUSINESS.

MESSAGE FROM THE LORDS,

That they have agreed to — Durham Court of Pleas Bill; Eyemouth Harbour Bill; Rishworth Reservoirs Bill; Clitheroe, Blackburn, &c. Roads Bill; Bury, Haslingden, &c. Roads Bill; Witham Drainage Bill; Rampton (Cambridge) Inclosure Bill, without amendment: North Midland Railway Bill; Barton (Cambridge) Inclosure Bill, with amendments.

That they have passed a Bill, intituled, "An Act to enable Justices of Assize on their Circuits to take Inquisitions of all Pleas in the Court of Exchequer of Pleas which shall be brought before them, without a Special Commission for that Purpose."

And, also, a Bill, intituled, "An Act for vesting certain Parts of the entailed Estate of Ladykirk in Trustees, to be sold for Payment of the Debts affecting the same, and for other Purposes therewith connected."

NEW MEMBER SWORN.

THOMAS ALCOCK, Esquire, for Ludlow.

EAST INDIA COMPANY.

Copy presented, — of resolutions of the East India Company, being the warrants granting any pension, salary, or gratuity (by Act). — To lie on the table.

PUBLIC PETITIONS COMMITTEE.

Twenty-seventh Report brought up and read; to lie on the table, and to be printed.

PRINTED PAPERS COMMITTEE.

Power granted to report opinion from time to time.

First Report brought up, and read as follows: —

"The Attorney General reported to the committee at its meeting this day, that notice had been given of executing a writ of inquiry of damages in the cause of Stockdale *v.* Hansard to-morrow, and requested the committee to consider of the propriety of counsel appearing on behalf of the defendant upon the assessment of damages: whereupon it appeared to the committee, that, while it is under consideration what course it will be proper for the House to pursue in regard to the judgment pronounced by the Court of Queen's Bench, it is not expedient that the defendant should appear by counsel."

Report to lie on the table, and to be printed.

MISCELLANEOUS PETITIONS.

The following petitions were severally presented, and ordered to lie on the table; namely, —

Education, — By Mr. BROADLEY, Mr. PLUMPTRE, Mr. G. WOOD, Mr. CARTER, LORD C. MANNERS, LORD ELIOT, Mr. MACKINNON, LORD VISCOUNT GRIMSTON, COLONEL POWELL, Mr. H. BAILLIE, Mr. DARBY, CAPTAIN ALSAGER, SIR G. STAUNTON, SIR F. TRENCH, Mr. LASCELLES, LORD TEIGNMOUTH, Mr. BETHELL, SIR R. PEEL, and others, against the proposed scheme, — from Croydon; Ashby de la Zouch; Birstal; Knipton (two petitions); Branstone; Buckminster; Burrow on the Hill; Eydon; Alexton; East Haddon; Loddington; Belgrave; Towcester; Tiffield; Croxton Kerrial; Wappenham; Blakesley; Kendal; Melton Mowbray; Bradden; Barkby; Hallaton; Mustor; Highgate; Stoke Bruern; Segrave; Stanton Wyville and Shangton; Bristol (twenty-five petitions); Kew; Abthorpe; Easton; Neston; Whittlebury; Paulerspury; Lichborough; Clifton (Derby); Helland; Shenley; Sowerby; Horsham; Honiton; Bishops Hatfield; Edlaston; Hunmanby; Reighton, &c.; Yeaveley; King's Wal-

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den; Upway, &c.; Broxbourne; Bishops Stortford; Ayott St. Lawrence; Hoo St. Warburgh; Knaresborough; Weston and Aston on Trent; Derby; Alvaston, Bolton, &c.; Melcombe Horsey, &c.; Great Berkhampstead and Northchurch; Totteridge; Bovingdon; Lyndon; Bodmin; Market Overton, &c.; Woolastone and Alvington; Aynhoe; Hertingfordbury; Harrogate; Abbots Langley; Bedminster; Rame and Vaulters Home; Illogan; Yetminster; Boldre; Hordle; Tregony; Brightling; Puttenham; Hemel Hempsted; Great Munden and Little Munden; Allington; Barking; Dagenham; Wanstead; Leyton; Cranham; East Ham; Chigwell; Roxwell; Doddinghurst and Blackmore; Stapleford Tawney; Chignal Smealey; Rochford; Rawreth; Willingale Doe and Spain; Chignal St. James and Mashbury; Fyfield; Great Baddow; West Ham; Derby and Derbyshire Auxiliary Established Church Society (chairman); Barrow on Soar; Messing; Horsmonden; Great Clacton; Ockbrook; Hitchin; Loughborough (three petitions); Filey (two petitions); Almondbury (three petitions); Leeds; Farnley; Holmfirth; Huddersfield; Netherlong; Meltham; Chatham; Milehouse and Three Chimnies; Cheltenham; members and friends of the Protestant Association; Huddersfield; Belton; Beddington and Wallington; Ruthin; Hambleton; Derwen; Llanelidan; Great Driffield; Tutbury; Sutton on Derwent; Stamford Bridge; Shenfield; Brentwood; Fulletby; South Thoresby; Settrington; North Burton; Carrington; Tetford; Scotter and Scotton; Langtoft; Huggate; Streatham; Kilham; Marehamle-Fen; West Ashby; Gate Burton and Knaith; Wroot; Dilhorne; Rudston; Gainsburgh; Warblington; Havant; Silverstone; Owston and Withcote; Wymondham and Edmondthorpe; Hose; St. Neot's; Kennington; St. Pancras; Poole; Sutton Coldfield; Blackley; Horseley; Haslemere; Shipton Bellinger; Keighley; Darrington; Tamworth; Chieveley; Kidsgrove; Linthwaite; Sheepridge; Exeter Hall (two petitions); Lindley; Kirkburton; Deadmanstone; Sandhurst and Hawkhurst; Guildford; Lewes, Uckfield, and Willingly; Taunton; Rochester; Tenterden and Rolvenden; Longwood; Almondbury; Northiam and Ewhurst; Woodchurch; Headcorn; East Bourn; Honley; Alfold; Northiam; Clare (Suffolk); Tandridge; St. Olave's (Surrey); Llangoedmore; archdeaconry of Gloucester; Sutton (Surrey); Welford; Gloucester; Heathfield; Llanfaircaereinion; and governors of Queen Elizabeth's Grammar School, Southwark.

By Mr. Grote, Mr. Leader, and Mr. E. Buller, in favour of the proposed scheme, — from Newcastle under Lyme; chairman of the Westminster Reform Society; Oxford (five petitions); Mayfield; and Bristol.

Postage, — By Mr. Baines, Mr. G. Berkeley, Mr. Grote, Mr. Gillon, Sir G. Staunton, Mr. F. Berkeley, and others, for the adoption of a low and uniform rate, — from Hill; Belfast; Berkeley; Glasgow Medical Association (treasurer and secretary); Thorne; Trades House of Glasgow; Cheadle union; Skeffington; Bath; proprietors of Custom House and Wool Quays, London; masters of vessels belonging to the coasting trade at the Custom House Quay, London; Broad Winsor; Stockton; Gosport; Newgate Street and other places; Antrim; Belfast; Isaac Jeffery; Southern Association of the county of Hants, representing twenty-nine churches of the Baptist denomination (secretary and moderator); Fore Street, Cripplegate, and other places; Rockhampton; Tattingstone; Francis Brandon; Compton Street and other places; London; Piccadilly; Reverend Ernest Hawkins, and other clergymen; Albemarle Street, and other places; Marylebone Street, Saint James's; Cookstown; Larkhall and Millheugh; Linlithgow; Mountnessing; Thetford; Saint Osyth; Elmstead; Great Bentley; members of the Bristol Mechanics' Institution; Manningford Bruce; pupils of Mr. Sigston's academy, Leeds; Edgeworthstown; Saint James's Street and other places; Horsham; Newburgh; Athlone; Newcastle upon Tyne: proprietors, compositors, pressmen, &c. of the printing office, Duke Street, Stamford Street; 14. Charing Cross; 13. Owen's Row, St. John Street Road; 67. Great Peter Street, Westminster: persons employed in or connected with the establishment of W. J. Felton, coachmaker, Belgrave Square; 23. Shaftesbury Terrace, Pimlico; George Downing and Co., floor cloth manufacturers, Knightsbridge; William Warne, Grove House, Brompton; P. Dugan, army clothier, Portsmouth; Hall, Brothers, clothworkers, &c., Red Lion Street, Spitalfields; and William Miller Christy and John Christy, of Bermondsey Street, London.

Merchant Seamen's Act, — By Sir E. Codrington, — of master mariners and seamen of the mercantile marine of Great Britain and Ireland, for amendment.

Metropolitan Police Courts Bill, — By

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Mr. BARNARD, for compensation, — from Thomas Marchant; and Charles Augustine Smith and John Drake.

Metropolis Police Bill, — By Mr. LEADER, — of chairman of a meeting of inhabitants of Lambeth, against.

Wigan Borough, — By Mr. EWART, of certain electors of Wigan, complaining that electors of that borough had been seized and placed in confinement; that narcotic drugs had been forcibly administered to them; that being thereby rendered insensible, they were removed to a distance, and prevented from voting at the last election for the said borough. — To be printed.

Imprisonment for Debt Act, — Of Thomas Lott, for amendment.

Church of Scotland, — By LORD A. LENNOX, — from Kilmore and Kilninian, for extension.

By Mr. GILLON, against further endowment, — from Leith; and Larkhall.

Maynooth College, — By Mr. PLUMPTRE and SIR H. SMYTH, against further grant, — from Bristol (nineteen petitions); and Colchester.

Canada, — By Mr. LEADER, — of M. F. Cinq Mars, proprietor of the *L'Aurore des Canadas* newspaper, complaining of the arrest of himself and the editor of the said newspaper, at Montreal, on a charge of seditious practices, and of the seizure of the *materiel* of the establishment. — To be printed.

Prisons (Scotland) Bill, — By Mr. GILLON, — from Llinlithgow, in favour.

Foreign Sugar, — By Mr. GILLON, — from Borrowstounness, for reduction of duty.

Queen's Printer (Scotland), — By Mr. GILLON, — of the chairman and secretary of the Central Board of Scottish Dissenters, against the renewal of the patent for printing Bibles.

Army, — From Omagh, for enabling Presbyterian soldiers to participate in the services of their church.

Poor Law Amendment Act, — For alteration in regard to the law of settlement, — from Cookham union; and Cheadle union.

Ecclesiastical Duties and Revenues Bill, — By LORD BARRINGTON and Mr. ROUND, against, — from clergy and archdeaconry of Berks; and Essex.

Spirits (Ireland), — By Mr. ROCHE, — from Limerick, for repeal of so much of Act 7 Will. IV. c. 38. as prohibits the sale of spirits by grocers.

Church Discipline, — By Mr. F. BERKELEY, — from clergy of the deanery of Bristol, against the proposed measure.

Prisons Bill, — By Mr. F. BERKELEY, — from Bristol, against.

Lord's Day, — For the better observance thereof, — from Leeds; Heanor; and Barton-le-Street.

County Courts Bill, — By Mr. GROTE, for compensation, — from Henry Stocks, serjeant-at-law; and John Holmes. — Referred to the select committee on the Bill.

Finance. — Petition of Samuel Wells, Esquire (presented 7th of June), to be printed.

LEAVE OF ABSENCE

To Mr. WALTER CAMPBELL, a month.

RETURNS.

Iron, &c. — On the motion of Mr. BAGOT, Accounts ordered —

Of the quantity of foreign iron imported into, and exported from, the United Kingdom, in the years 1835, 1836, 1837, and 1838; distinguishing the several sorts of iron, and the countries from which imported, and to which exported:

Of the quantity of British iron (including unwrought steel) exported in the same years; distinguishing the countries to which exported:

Of the quantity of British hardware and cutlery exported in the same years; distinguishing the countries to which the same were exported, and the declared value thereof.

PRIVILEGE.

LORD VISCOUNT MAHON. — I wish to put a question to the Noble Lord the Secretary of State for the Home Department, in reference to a petition which I presented on Wednesday last, from several respectable gentlemen of the town of Bedford, stating, in substance, that an officer, holding an appointment under the Crown (Mr. John Hyde, receiving inspector of taxes for the county of Bedford), on seeing in the hands of Mr. Joseph Brown, of Bedford, surveyor of taxes for the same county, a petition to the House of Commons against the scheme of education proposed by Government, laid violent hands upon it,

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and, using violent language, tore it to pieces, and stamped upon the fragments. Now, I am quite convinced that the Noble Lord the Secretary of State for the Home Department will agree with me, that a person holding office under the Government is not justified in interfering with parties who are anxious to petition against any of the measures of that Government. The question I wish to ask the Noble Lord is, whether, under the circumstances, he will undertake to institute an inquiry on the subject?

LORD JOHN RUSSELL. — I certainly think the statement contained in the petition forms a sufficient ground for instituting an inquiry into the circumstances of the case. But I would observe that it does not appear from the petition, that any of the persons signing it was one of the petitioners in question, or was present when the circumstances alluded to took place.

Mr. ALSTON. — Sir, I have been requested to state to the House, that at the time the transaction complained of took place, Mr. Hyde was dining in a private room at the inn, with a Mr. Brown, a friend of his, when some person came in and asked him for the *Standard* newspaper. He replied, that he had not the *Standard*, but could lend the *Morning Chronicle*. The stranger then retired, observing that he never read the *Morning Chronicle*, and that if it were put into his hands he would throw it into the fire. In the course of the same day, another person, unknown to Mr. Hyde, but whom he believed to be the waiter of the hotel, came into the room and placed a paper in the hands of Mr. Brown, who read a part of it. Mr. Hyde soon found out that the petition was against the Government plan of education; and being aware that the people of Bedford knew that he was a Dissenter, and a man of strong feelings and political bias, he felt that this paper — to which he was ignorant that a single signature had been attached — was sent in for the purpose of insulting him. He therefore took it out of the hands of Mr. Brown and tore it; but he denies that he used the strong expressions attributed to him in the petition, which charges him with having uttered, at the time of destroying the paper, the words "Damnation to the petition, to the parsons, and to the church!" Mr. Hyde has assured me — (and I certainly do not believe that a more honourable or high-minded man exists than Mr. Hyde) — that such words never passed his lips, and that he should be ashamed to have used them; but, conceiving that an insult was intended him, he certainly did tear the petition, uttering at the same time the word "Damnation!"

[Cries of "Oh, oh!"]

Mr. Hyde has been in the office he now fills since 1803, and was appointed by Mr. Pitt. No officer has ever performed his duty more to the satisfaction of the board. Mr. Hyde regrets exceedingly, that, in a moment of irritation, he should have made use of the expression he did. These are the circumstances of the case; and I would confidently ask whether the subject is one upon which the House ought to institute an inquiry?

Mr. F. BARING. — I can certainly bear testimony to the high character of Mr. Hyde as a public officer; and would also put it to the House whether, under the circumstances, it is a matter in which the House ought to proceed any further?

LORD VISCOUNT MAHON. — As Mr. Hyde has not attempted to justify his conduct, but merely to palliate it, I will not pursue the case any further. I am sure the petitioners will be quite satisfied with having brought the case under the notice of the House. The petition having been put into my hands, I felt it my duty to present it, and to call the attention of the House to the statement it contained.

SLAVERY IN THE MAURITIUS.

SIR S. LUSHINGTON. — Seeing the Right Honourable Gentleman the Under Secretary for the Colonies in his place, I wish to ask him whether, or not, negro apprenticeship has been abolished in the Island of the Mauritius? if abolished, at what period? and if not, why that abolition has not taken place?

Mr. LABOUCHERE. — From the official despatches received at the Colonial Office, I cannot say whether negro apprenticeship has been completely put an end to, or not, in the Mauritius. I have, however, this day, seen a newspaper of the Mauritius, dated the 11th of March, which leaves no doubt upon my mind, that the Orders in Council have been received in the Mauritius, and that the Governor has proclaimed them, and has fixed the 31st day of last March for the termination of negro apprenticeship in that island.

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NATIONAL EDUCATION.

LORD ASHLEY. — I beg to ask the Noble Secretary for the Home Department whether it is his intention to move the proposed grant for national education on Friday next?

LORD JOHN RUSSELL. — Certainly; supposing the debate on Canada does not extend beyond Thursday.

LORD ASHLEY. — Under those circumstances, I cannot, at present, fix any day for the call of the House. I think the new scheme proposed by the Noble Lord is not less objectionable than his first plan, and I shall certainly take the sense of the House upon it.

IMPRISONMENT FOR DEBT (IRELAND).

Mr. LITTON. — I beg to know whether it is the intention of the Government to bring in a Bill to extend the principle of the abolition of imprisonment for debt to Ireland? and if so, whether the Bill will contain the same provisions as the English Bill?

LORD VISCOUNT MORPETH. — I think it is desirable to introduce a Bill for that purpose, but with such modifications as the circumstances of the country may render requisite.

CANADA.

Mr. MACLEAN. — I wish to learn from the Noble Lord whether the Government intend to take into consideration the conduct of Captain Drew and Lieutenant M'Cormack, who were concerned in the affair of the Caroline in Upper Canada, with a view to their promotion?

LORD JOHN RUSSELL. — I do not think it expedient to answer any question with regard to the promotion or rewards which may be bestowed on particular officers by the Sovereign; and the delicate nature of the circumstance to which the Honourable Member's question refers would make such a course, on my part, peculiarly objectionable.

LORD VISCOUNT EASTNOR. — I beg to ask whether those Gallant Gentlemen who served in the navy, and afterwards settled in Canada, who were called upon by the Lieutenant Governor to assist in forming an armament, and who performed many gallant exploits when so employed, have received any compensation for their general services?

LORD JOHN RUSSELL. — I can only repeat the answer I have already given to the Honourable Member for Oxford.

MEDICAL EVIDENCE.

Mr. WAKLEY. — Sir, I wish to ask a question of the Noble Lord the Secretary of State for the Home Department. In the winter of 1833 there was a committee appointed to inquire into the state of medical education. The Honourable Member for Bridport was a member of that committee, which sat the whole of the Session. A great deal of valuable information was elicited, and part of the evidence taken by the committee was printed. The question I wish to ask is,— why the remaining portion of the evidence has not been printed? It is a subject of great interest to the members of the medical profession, and they are exceedingly anxious to know whether there is any chance of the remaining portion of the evidence being published. The members of the profession are aware that there is a difficulty in preparing the evidence for publication, from the great confusion into which the papers have been thrown, in consequence of the fire which took place in the Houses of Parliament; and they do not wish to put the Government to any inconvenience; but so much time has now elapsed, that they begin to apprehend they will not see the rest of the evidence at all.

LORD J. RUSSELL. — The Honourable Member for Bridport would be better able to answer the question put to me by the Honourable Gentleman than I am.

SIR R. PEEL. — Sir, the Honourable Gentleman should be cautious; the missing papers may contain something that might, by possibility, reflect on the characters of some members of the profession.

Mr. WAKLEY. — My answer to that is, — that the members of the profession, themselves, are exceedingly anxious to have the testimony given before the committee printed. They want it printed, in order that a good Medical Reform Bill may be founded upon it. The Honourable Member for Bridport has assured me that no efforts of his shall be left untried, in order to get the evidence ready.

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CANADA.

LORD STANLEY. — Sir, I wish to give the Noble Lord notice, in reference to the question of Canada, that I will, on Thursday next, take the sense of the House upon the expediency of pledging the House, by an abstract resolution, to the principle of union between Upper and Lower Canada.

STOCKDALE v. HANSARD.

LORD HOWICK brought up a special Report from the Committee of Privileges, to which had been referred the consideration of the proceedings in the case of "Stockdale *v.* Hansard;" which was read at the table by the clerk. The Report stated that the Attorney General had reported to the committee, that notice had been that day given to the defendant, of a writ of inquiry having issued to assess the damages sustained by the plaintiff in the action; and that it appeared to the committee, that while it was expedient to inquire into the circumstances under which the judgment was given, it was not expedient that, on the assessment of damages, the defendant should appear by counsel.

PAPERS.

Spain.—Copy presented,—of papers relative to the war in Spain (by command).

Netherlands and Belgium.—Copies presented,—of treaties relative to the Netherlands and Belgium (by command).

East India Correspondence.—Copy presented,—of additional Post Office convention for the conveyance through France of correspondence between England and the East Indies (by command).

To lie on the table.

In presenting the two last-named papers, VISCOUNT PALMERSTON said: — Sir, these papers contain the treaties by which is concluded the final settlement of the Belgian question. The ratifications were only exchanged on Saturday last, and I have now great pleasure in laying the papers before the House. The other is a Post Office convention between Great Britain and France, for the purpose of facilitating the transmission of letters between the two countries.

BISHOP OF UPPER CANADA.

An HONOURABLE MEMBER. — I wish to ask the Right Honourable Gentleman the Under Secretary for the Colonies, whether the information I have received is correct, that Archdeacon Strachan has been appointed Bishop of Upper Canada? and whether it is the intention of Government to give him a salary? and if so, whether he is to retain the emoluments of his office as archdeacon? I also wish to ask whether any arrangements have been made by the Government to relieve the Bishop of Montreal from the pluralities with which he is encumbered, and with respect to which the Bishop of Montreal has made a complaint which appears in Lord Durham's Report? and, also, whether it is the intention of Government to provide the Bishop of Montreal with a sufficient income, after he shall have relinquished a part of the appointments which he now holds.

Mr. LABOUCHERE. — Sir, in answer to the Honourable Member, I beg to say, that a great desire was expressed that there should be a Bishop of Upper Canada, and the Government intimated that they were perfectly ready to appoint one, provided no additional charge upon the country would be created by such appointment. Archdeacon Strachan expressed his willingness to accept of the appointment on these terms,—holding, of course, his present emoluments, but without any increase to his income; and the Government, having consulted the Archbishop of Canterbury upon the appointment, intimated their readiness to carry the arrangement into effect. We thought, however, that to consult the Bishop of Montreal, who was at present Bishop of Upper Canada, would be only respectful to that prelate; and, accordingly, till his opinion upon the subject has been received, the final step in Archdeacon Strachan's appointment will not be taken. As to the second question put to me by the Honourable Gentleman,—namely, whether or not it is intended, on the part of the Government, to make any increase in the income of the Bishop of Montreal,—I have to state that it is not the intention of Government to ask the House this year for a greater sum than was asked for last year, towards the maintenance of that see, — namely, 1000*l.*; which, together with 900*l.* derived from local sources, constitute his present income.

SHERIFFS IN SLIGO.

Mr. SOMERS. — Sir, I beg to ask the Honourable and Gallant Member for Sligo county, whether it is his intention

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to bring before the House, on Friday, the subject of the petition lately presented by him?

COLONEL PERCEVAL. — I am not quite certain whether the state of business in the House will enable me to bring forward the petition of which I have given notice, respecting the conduct of partisan sheriffs in Sligo. Further, I am not quite certain that I ought to bring it forward, just now; inasmuch as I understand that a similar petition has been presented in the other House of Parliament, and has been referred to the committee now sitting on the state of Ireland. At present, therefore, I cannot answer the question put to me by the Honourable Gentleman.

CANADA.

LORD J. RUSSELL. — Sir, with regard to the motion of which the Noble Lord the Member for North Lancashire has given notice, it may be convenient to the House that I should state, that the course which I shall take upon the Canada question will depend on that which may be taken by the Noble Lord; and, when this is explained, it will be for the Government to determine whether they think it necessary to press the resolutions to a division. If the Noble Lord cannot agree to the principle of union between the two provinces of Upper and Lower Canada, then I shall press the first resolution; but if, on the other hand, the Noble Lord should merely not think it advisable that the House should pledge itself to a measure before the details of it are prepared, then I will withdraw the resolution, move for leave to bring in a Bill, and lay the Bill on the table of the House.

LORD STANLEY. — Sir, I have no objection to repeat the precise terms of my motion, which are these: — that on Thursday next I shall take the sense of the House as to the expediency of pledging the House, by an abstract resolution, to the principle of union between Upper and Lower Canada.

LORD VISCOUNT EASTNOR. — I wish to ask a question of the Noble Lord the Secretary of State for the Home Department. There are some gallant gentlemen who have settled in Upper Canada for the purpose of cultivating the land, and who, having recently been called on to form an armament for the defence of the country, not only did so, but performed some very gallant exploits. I wish to know whether it is the intention of Government to take any steps to reward those gallant individuals, as I have been informed that they have not received any compensation?

LORD J. RUSSELL. — Sir, I can only give the same answer to that question as I gave to a similar question put by the Honourable and Learned Member for Oxford a few minutes ago.

SIR R. PEEL. — It seems to me that it would be advisable to come to some distinct understanding upon the subject of the notice given by my Noble Friend the Member for North Lancashire; and I cannot but think it inconvenient, that the course to be pursued by her Majesty's Government is to depend on the speech of the Noble Lord. If the Noble Lord, the Secretary for the Home Department, will recollect, my course some time back was this; — I said that, if it was not proposed in the present Session to legislate on the subject of a union between the Canadas, I should object to fettering the House by a resolution on an abstract question. If, therefore, the Noble Lord intends to withdraw his resolution, and to bring in a Bill for the purpose of effecting such union, I apprehend that there will be no opposition to that course. Therefore, without putting my Noble Friend to the trouble of entering into the whole topic, I trust the Noble Lord will ask for leave in the ordinary way to bring in a Bill.

LORD JOHN RUSSELL. — I think there would be great evil in taking a division upon this question, which might be interpreted in Canada as a division upon the principle of a union; whereas it would only be a division upon the expediency of entering into resolutions at a time when no Bill was before the House. I feel this very strongly; and, in consequence of the objections taken by the Noble Lord and the Right Honourable Gentleman, I shall withdraw the resolutions, and at once move for leave to bring in a Bill, and fix an early day for the second reading.

SIR ROBERT PEEL. — Does the Noble Lord mean to say that he expects such a Bill to pass during the present Session?

LORD JOHN RUSSELL. — I propose to move the second reading this Session; but, with the strong resolutions of the Assembly of Upper Canada before

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me, I do not think I shall be prepared with final legislation this Session.

Mr. C. BULLER. — I beg to ask the Noble Lord whether he means, also, to give up the second resolution? because that is the resolution to which I am opposed.

LORD JOHN RUSSELL. — Sir, with regard to the second resolution, I shall take a course precisely the same as that by which I propose to withdraw the first. I shall move for leave to bring in a Bill.

HAMBURGH AND LUBECK.

Copies presented, — of papers relative to the transit duties lately imposed by Denmark on goods passing between Hamburgh and Lubeck (Address the 2d of May). — To lie on the table.

JAMAICA BILL.

The House then resolved itself into committee on this Bill.

Clause 1. "Governor, with advice of council, to make laws or ordinances under certain circumstances."

Mr. LABOUCHERE. — Sir, I move that this clause do stand part of the Bill.

SIR E. SUGDEN. — Sir, in rising to make the motion of which I have given notice, I should wish, first, to draw the attention of the committee to what the question before them is *not*; — because I very much apprehend that Gentlemen are labouring under a delusion in that respect, and I believe that we are about to enter upon a discussion of a question which has nothing to do with that really under consideration. The committee are not about to discuss the question between master and slave, but that which has arisen between the House of Assembly and her Majesty's Government at home. The question between master and slave was brought before the House when her Majesty's Government introduced a proposition with respect to the termination of negro apprenticeship. It will perhaps be in the recollection of the committee, that, upon that occasion, I did not hesitate to express myself in very strong terms against the conduct of the planters towards the negroes. I must, however, observe that the Right Honourable Gentleman the Judge Advocate (Sir G. Grey) entirely misapplied what I then said, when he spoke of my remarks as showing that this House ought to legislate against the Assembly of Jamaica. I shall be able to show that the course which I then took was entirely consistent with the course which I am now about to take. On that occasion I not only entertained the same view of the question as that adopted by her Majesty's Government, but I also suggested various clauses for the benefit of the negro population, and which were approved of by her Majesty's Government, and made part of the Bill. I do not mention this for the purpose of taking any credit to myself for anything I humbly did in this House, but merely to show that I have always been actuated by a sincere desire for the negroes' welfare. The question now before the House is a question which has arisen since the Emancipation Act; and that very Act has itself ceased, in consequence of apprenticeship being abolished, and of every man in Jamaica, whatever his colour might be, being equally free. The Government have abandoned their intention of suspending the constitution of Jamaica; but I must still, in a few words, recal the attention of the committee to the circumstances under which the Government introduced their Bill for that purpose. The Right Honourable Gentleman opposite must have thought such a course necessary, because he has said that, even now, he has not changed the opinions which he then entertained, and that he believes the proper course will be a suspension of the constitution. It is therefore my duty to draw attention strictly to the circumstances which, in the opinion of the Right Honourable Gentleman, justified the measure of the Government, but which, I must contend, amounted to no justification whatever. It may not be difficult to show, on the part of the Government, some grounds for the course which has been pursued; but I have no hesitation in saying that the acts of the Government, and the proceedings of the Governor, — their want of knowledge of the actual laws and constitution of Jamaica, — have led to that line of conduct on the part of the Assembly which has influenced the Government to propose the suspension of the constitution. I, however, beg at the outset to state, — and to state distinctly, — that I am not here to uphold the conduct of the House of Assembly in every part; I could not justify the protest of that body, nor give my opinion in favour of some part of the resolutions which they have passed. I think the conduct of the Members of the House of Assembly, unexplained and unaccom-

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panied by any statement of their objects, in some respects indefensible; and I have never entertained a doubt that the Imperial Parliament have the power to legislate for Jamaica when circumstances render it absolutely necessary to have recourse to such a line of policy. The difficulty is, to ascertain when it becomes the duty of Parliament to interfere; and the question in the present instance is, whether a case has arisen to justify the Imperial Legislature in superseding the legislative functions of the House of Assembly? And it is because I fully admit so great a power, that I am anxious we should be most cautious and deliberate in the exercise of it. I trust the committee will do me the favour to attend to the difference which exists between the present case and that which occupied the attention of the House on a former occasion, when a Bill for amending the Emancipation Act was considered, and they will see that the measures now contemplated are not justified by the occasion. I would press upon the committee, and upon the Government, to consider the provisions of the Bill for amending the Emancipation Act, and the inference to be drawn from that Act relative to the views of the Government with respect to Jamaica. That Act imposes heavy pains and penalties, but it does not propose to suspend the legislative fuctions of the colony. Government, by that Act, imposed upon the planters the exact penalties which, in their opinion, the nature of the case called for; but there they stopped. They were not, then, prepared to suspend the constitution of Jamaica, — they were not prepared to proceed to such an extremity at that time. The penalties of the Act for amending the Emancipation Act were deemed sufficient, and no more severe proceeding was contemplated. At the time that Act was passed, it was impossible to anticipate whether the House of Assembly would put an end to the system of apprenticeship before the expiration of the time at which the Imperial Parliament had resolved that it should cease; and we were, in consequence, unwilling to apply our consideration to that object while we were without evidence with respect to the intentions of the Assembly, and when no provision had yet been made to meet the change in the circumstances of the negroes, which would take place on their obtaining perfect freedom. When the Act for amending the Emancipation Act reached Jamaica, and when it had been communicated by the Governor to the House of Assembly, that body, without any delay, proceeded to consider the subject of apprenticeship, and almost immediately passed as full and complete a measure of emancipation as this House or the country could possibly desire.

Now, I ask, was that a measure affording any evidence of unwillingness on the part of the House of Assembly to act in a sincere and friendly spirit towards the negroes? and was it not a measure calculated to conciliate this country, and to entitle the House of Assembly to the respect and support of Parliament? Jamaica did more than we had any right to expect from her. Disregarding her own rights, she granted complete emancipation, in order to conciliate this country, and to meet the wishes of the Imperial Legislature. The Act for amending the Emancipation Act wounded her feelings and violated her constitutional rights; and, although I assented to that Act, I do not wonder that Jamaica has manifested resentment against a measure which was so calculated to rouse her indignation. A correspondence took place between the Governor and the House of Assembly, relative to the Bill for terminating the system of apprenticeship; and to that correspondence I would here call the attention of the committee. The Governor, in relation to that measure, addressed the council and the members of the House of Assembly in the following terms: —

> Jamaica is in your hands; she requires repose by the removal of a law which has equally tormented the labourer, and disappointed the planter; a law by which man constrains man in unnatural servitude. This is her first exigency.

Now, let the committee attend to what follows. The Governor continued, —

> Jamaica, for her future welfare, appeals to your wisdom to legislate in the spirit of the times, with liberality and benevolence towards all classes.

Nothing can be more distinct than this appeal of the Governor. And the reply of the Assembly? They said, —

> We shall proceed, in the critical posture in which the island is placed, to give to the momentous matters submitted to us our most serious consideration. Jamaica does, indeed, require repose; and we anxiously hope that, should we determine to remove an unnatural servitude, we shall be left in the exercise of our constitutional privileges, to legislate for the benefit of all classes, without any further parliamentary interference.

Is there anything in that reply which can be considered as indicating anything like reluctance on the part of the House of Assembly to legislate in the spirit of the times? Is there anything indi-

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cating hostility to the negroes, opposition to the wishes of this country, or unwillingness to take the necessary steps to meet the change in the circumstances of the colony, which would arise on the termination of the apprenticeship system? No such inference is to be drawn from the reply of the House of Assembly; and all that body contend for is, that they should be left in the free exercise of their constitutional rights. The feelings of the House of Assembly are in accordance with the wishes of the people of this country; and I am prepared to show that it is the conduct of the Government, and the proceedings of the Governor, which have tended to alter those feelings, — and to induce that Assembly to adopt the course which Ministers now complain of. After the Act for final emancipation had passed the Legislature of Jamaica, the House of Assembly was prorogued, — the prorogation taking place on the 16th of June; — and, now, let me ask what the conduct of the Governor was, while the Assembly was separated, and while it was impossible for that body to have any communication with his Excellency? The first act of the Governor, to which I would call the attention of the committee, was one of great importance, as it indicated a wish to supersede the authority of the Colonial Legislature, and was calculated to wound the feelings of the House of Assembly. The committee will remember that the circumstance to which I am about to allude occurred while the Assembly was prorogued, and when that body had not the power of replying. It was an attack made behind their backs, which the members of the House of Assembly had no opportunity of repelling. I now come to the circumstance, itself. In a despatch from Sir Lionel Smith to Lord Glenelg, his Excellency says, —

I am anxious to draw your Lordship's attention to the Act of this island, 5 Will. IV. c. 2., for enlarging the powers of justices in determining complaints between masters and servants, &c. This Act has already been found to operate with great severity against the European emigrants; and the friends of the negro are naturally apprehensive that it may be converted into a powerful engine of oppression against the labourers, as it gives authority to a single justice to apprehend, under his warrant, servants in husbandry who absent themselves or neglect to fulfil their contract, and punish them by hard labour, not exceeding three months, or by forfeiture of wages.

Now, let the committee mark what follows. His Excellency adds, —

I hope your Lordship will be enabled to rid us of this Act, either by a formal disallowance, or by the authority of the Imperial Parliament.

The committee will therefore see that, after the House of Assembly had passed the final Emancipation Act, and after the Governor had appealed to the wisdom of that body to legislate in the spirit of the times, and with liberality and benevolence towards all classes, his first step was to apply to the Colonial Secretary to disallow an Act of the island, or to effect its repeal by an application to the Imperial Parliament. His Excellency first expressed confidence in the wisdom of the House of Assembly; and then, instead of applying to that body, he, on the first occasion, asked the Crown to disallow an Act of the island, or to have it repealed by the Imperial Legislature. A worse instance of bad faith, I must say, I never witnessed. In reply to the despatch of his Excellency, Lord Glenelg said "that the Act alluded to had been too long in operation to be disallowed;" the Government did not fall into the views of the Governor, and so the matter terminated. The next instance of bad faith to which I shall allude affords a still stronger instance of the ungracious mode in which the Assembly has been treated. On the 10th of September, 1838, the Governor, writing to the Colonial Secretary, says, —

I beseech your Lordship to look to the provisions of the Local Vagrant Act, unrepealed, — 35 Chas. II. c. 11. This Act was introduced against the lawless soldiery of Governor Doyley; and many violent planters are now rejoicing in the power it gives them of flogging free men from parish to parish; and there is an improvement in its penal powers by the 2d Geo. III. c. 11., still unrepealed, which adds six months' hard labour in the House of Correction. Your Lordship may bid me apply to the Legislature to repeal these frightful laws; but I should apply in vain; and, in the midst of freedom, we have still terrific engines of oppression and tyranny preparing for the emancipated population.

Such was the language which the Governor addressed to the Colonial Secretary relative to the Assembly. They are represented as clinging to "terrific engines of oppression," and ready to carry "the most frightful laws" into operation against the emancipated population. Thus the Governor appeals to the Imperial Parliament for that which he had never asked the Assembly to carry into effect. This is one of my reasons for charging him with bad faith. In a subsequent part of the discussion, I shall further show that the Governor actually knew nothing of the very laws against which he was writing; nothing, in fact, of the laws of Jamaica; and when I add to this the strong feelings and passion he has exhibited in his transactions with the Assembly, I think I shall have accounted for the so-much-censured

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conduct of that body. But the Act for final emancipation is a proof that the Assembly was willing to go even beyond their duty, to conciliate the wishes of the people of this country; and yet, with that proof of the liberality of the House of Assembly before him, the Governor wrote to the Colonial Secretary to obtain the interference of the Imperial Parliament,—and that application was made before the House of Assembly had been even appealed to. These, certainly, are two of the grossest instances of bad faith I have ever witnessed. To what, then, is the conduct of the Governor to be attributed, except to a feeling of hostility and prejudice against the House of Assembly? There was no ground for the accusations he made; and was it fair, in such a manner, to attack a body who had not the power of reply? I should like to know what the feeling of the House of Assembly must have been, when they met, on the 30th of October, if they had known that such despatches had been forwarded to the Home Government? The Colonial Secretary, too, fell into the same error as the Governor. The Right Honourable Gentleman opposite told us, on a previous evening, that those "terrific engines" existed,—that the negroes might be flogged from parish to parish under the "most frightful laws;" and called for the interference of this House to put an end to such "revolting tyranny." Now, the fact is, that no such laws exist; there are no "terrific engines" or "frightful laws" which could be brought into operation against the negroes. Surely, then, when the Governor called for the repeal or disallowance of laws which the Government ought to have known had no existence in reality, it was the duty of Ministers to have looked into the actual state of the case, and not to have allowed themselves to be influenced by the representations of his Excellency, who was evidently actuated by a strong feeling of prejudice against the Assembly. When the Bill for amending the Emancipation Act was under consideration, the House could have no means of knowing whether Jamaica would or would not terminate voluntarily the apprenticeship system before 1840; but although it was not generally known, yet the Government had information of the passing of the Act for final emancipation, on the day the Prisons Bill was introduced into the other House of Parliament. Now, after passing the Emancipation Act, could, I would ask, any measure have been framed more calculated to rouse the indignation of the Assembly than the Prisons Bill? If the Jamaica Assembly had refused to emancipate the apprentices, and chosen to retain their rights till 1840, there might have been some reason for the Government interfering in the internal affairs of the colony; but after the Assembly had complied in the most ample manner with the wishes of the Government, of both Houses of Parliament, and of this country, interference could not be justified. The Prisons Bill was not introduced as a punishment to Jamaica, but as affecting all the colonies. But this is no defence; the Bill was introduced without any application having been previously made to ascertain whether Prisons Bills would be prepared by the legislative bodies in those colonies without the interference of Parliament. It was impossible for Jamaica not to look on such a measure with jealousy, as it was a direct interference, by the Imperial Parliament, with the local affairs of the colony, which nothing short of absolute necessity could have justified.

But this is not all. The first act of the Governor, in promulgating the Prisons Act, was to copy the very rules and regulations which, in 1834, had been introduced into the Act of the House of Assembly. So that, in point of fact, the Governor was forced to resort to the legislation of the House of Assembly, in order to carry into execution the Act which had passed the Imperial Parliament! The colonial Legislature had framed the best rules and regulations for the prisons of the island, and the Governor adopted them; and yet the House of Assembly were held by the Government to be incapable of legislating for the welfare of the people, or of taking those steps which the altered condition of the colony required. Could anything be more unjust than such a course? and was it possible that the House of Assembly should not feel indignant at such treatment? It may be said, by the Right Honourable Gentleman, that the feelings of the people of this country have been strongly excited by the condition of the negroes; but it is the duty of the Government to protect the Assembly from the aspersions which have been cast upon that body, and not to give way to any excitement which may happen to prevail. It has been said that the Prisons Bill affected Barbadoes also. True, such is the case; but there is a great difference between the legislative and the Crown colonies. The Crown colonies, having no Legislature, are governed by the Colonial Secretary, and by Acts of the Imperial Parliament; but it is not so in the legislative colonies. There the internal affairs are regulated by the local Legislatures; and it is natural that such bodies should be jealous of the interference of Parliament·

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and surely it would be useless to have local legislative bodies at all, if the Government are continually to interfere, or the Colonial Secretary is to disallow all the Acts which they may frame. With the recollection of the unpleasant circumstances which took place in reference to measures passed by the colonial Assembly, and the interference, as it was termed, of the Imperial Parliament with those measures, I think there is reason to complain of the Governor, as having exhibited a want of caution, in first proroguing the Assembly too abruptly, and then in calling them together too early, without allowing sufficient time to elapse in order that the feeling of irritation which had been provoked might be, in some measure, allayed. Under all the circumstances, I confess that I am not surprised that there should have been a disinclination, on the part of the Assembly, to engage in legislation; and I entertain a strong impression that mild and conciliatory measures would have prevented all those evils which have taken place, and that this House and the country would thus have been spared those discussions which have occupied so much time hitherto. But as it is, there is no foundation for coming to this House to ask for powers for the Governor, which could not be maintained on grounds contained in former Acts. If the Right Honourable Gentleman pleads a particular case, and argues that the necessity of the case calls for such a proceeding, I shall be able to answer that, by putting the question as to whether or not the Assembly of Jamaica is to have a *locus pœnitentiæ* allowed to it by this Bill? I would, however, go further; and I would show that it is a mere farce to call the Bill a means for allowing the Assembly to fall into its former course of legislation. Besides, the real offence of the Assembly has never been correctly stated. What that body did resolve was, that, until her Majesty should be pleased to tell them whether or not they were to be allowed the exercise of their constitutional rights, they would decline legislation, except so far as to satisfy the public creditor. What was it the Governor did then? He first prorogued the Assembly, then dissolved it, then called it together, and then prorogued it again.

The Right Honourable Gentleman (Mr. Labouchere), in opening the case, said he should first introduce a provision to enable the Government to pass such temporary laws as might be necessary in case the Assembly would not act. The clause containing that provision in the first Bill is now so far changed in the second Bill, that the power of the Governor is not made contingent on any such circumstance. As I understand, however, that the Government do not mean to make the power of the Governor contingent, I will not oppose the clause. On the contrary, if the Assembly are to have a fair opportunity of acting, let it be most distinctly understood, that, if they do not act when that opportunity is given, there is not a man in this House who will be more ready to give to the Government the powers necessary to carry on the legislation of the colony. But by the clause, as it stands at present, the council will be mere creatures in the hands of the Governor; and although that may be considered very proper, yet I think it important that the committee should know what powers are to be given to the Governor. If the Governor is to have power to remove all or any of the members of the Legislative Council and the Executive Council, his power over them will be so complete that he will be able to annul any measure he may please to treat so. Then, again, it is a very nice question whether, after a measure has been passed by the Governor and council, or by the Imperial Parliament, the Assembly may not repeal it? I am, therefore, prepared to give those powers which would enable the Governor and council to make temporary laws only in case the Assembly should refuse to act. I consider the first clause in the Bill unnecessary.

I now come at once to the question to which it is necessary I should address myself; that is,—Is there, or not, a necessity for the provisions which the Right Honourable Gentleman has introduced into the first clause, and which he has said could be no longer delayed, and were necessary for the protection of the generally emancipated population of Jamaica against the planters, their late masters? I shall be able to show that the laws the Right Honourable Gentleman considers to be so binding on that population, do not exist, and have not the slightest existence except in the minds of the Governor and the local officers, and of her Majesty's Government; and if I show that, I think I shall remove all the pretensions for this unsound legislation. The first question on the point is that with relation to vagrancy. The Act of Charles II. makes a man a vagrant who refuses to work for the usual wages; and it has been said that the statute of the 35th of George II. allows freemen (and negroes are now freemen, and that law, consequently, can be applied to them) to be whipped from parish to parish until they reach their homes; and it has been also said that the

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subsequent statute of George III. permits an additional punishment of hard labour; and, on these suggestions, the Right Honourable Gentleman opposite (Mr. Labouchere) has asked whether it was possible that the British Legislature would permit enormities of that kind to continue? The state of the law, just described, has been laid down by the Governor of Jamaica in the despatch to which I have already referred, and also in the answer of the colonial Government at home to that despatch, to be exactly as I have described. It would, however, have been as well if both those authorities had ascertained whether any such law as that of Charles II. was in existence, or not. Now, I mean to assert, without any fear of contradiction, that no such law now exists, or has any force; and, therefore, that the Governor of Jamaica was most grossly mistaken when he referred to that statute as one of tyranny and oppression against the emancipated population. I maintain that there is not the dot of an "i" or the cross of a "t" in the 35th Car. II., which has not been repealed, totally and entirely, by some subsequent Act. I say that no such powers are now in force; that there has been no resort to that law; that there has been no attempt to inflict the punishment it authorises; and that there has been no desire manifested to put it in practice;—so that all the representations of the Governor of Jamaica and of the Government at home are thus at once proved to be without foundation, if I can make out that the Act of Charles II. has ceased to be of force and effect. There is a rule of law which no one acquainted with such matters will venture to contradict,—that it is not necessary to have a special Act expressly for the purpose of repealing a former statute; but that, if the provisions of the subsequent Act are pregnant with a negative, then the former is altogether and virtually, although not expressly and in terms, repealed; and, therefore, if in this instance there is a provision in the later Act differing from the former, the later Act operates as a substitution for, and not as an addition to, the older statute.

Before I inquire into the provisions of the statute of Charles II., I must observe that these were Acts not levelled against the slaves at that time, but against the white and coloured population, including, also, soldiers who misconducted themselves. The first section of the statute of Charles II. directs that taxes shall be raised and expended in the erection of houses of correction. Now, that section is altogether repealed; for, by the next statute—the 32d of George III. s. 2.—it will be found that the justices, vestrymen, and members of the Assembly of each parish, should, with the churchwardens, erect and build houses of correction; and these parties, for that purpose, became and were created, a corporation. It is, therefore, clear that, in point of law, the first section of the statute of Charles II. was repealed by the second section of the later statute, 32d George III. Now, the second section of the Statute of Charles II. directs that every vagrant shall be apprehended and taken before a justice, who was to have power to order him or her to be whipped on the naked back with not exceeding thirty-nine lashes. Now, the Right Honourable Gentleman opposite has, on this subject, appealed to the feelings of the House,—an appeal which never is made in vain under proper circumstances; but, in this instance, that appeal has been made on grounds which do not exist,—upon statutes that are not in force, and upon punishments that are never inflicted, except in the imagination of the Governor of Jamaica, and the Government at home. For the House will bear in mind that the power of whipping, under the 35th Charles II., is superseded by the powers conferred by the 32d George III. upon the justices, to send a vagrant as a rogue and vagabond to the house of correction to be built under that Act. The management of those workhouses, or houses of correction, is given, under the last statute, to the justices, vestrymen, churchwardens, and members of the Assembly for each parish; and with them, by a still more recent statute, have been associated the special justices; and therefore, you have the best possible protection afforded against any abuse of power. This body corporate, to whom the management of the prisons is confided, has, it is said, still jurisdiction to inflict the amount of thirty-nine lashes upon any persons within their jurisdiction who should misbehave themselves. I shall, however, presently show that this corporation has no such power. Nay, I would undertake to receive all the lashes that, by law, could now be inflicted under it. I am not at all apprehensive of the pain I should endure in consequence. There is another provision in the Act of Charles II., with respect to binding poor children apprentices; and I had the curiosity to ascertain whether that clause was still in force; and I find that the 7th Geo. IV. cap. 26. provides fully for the law as regards those apprentices, and gives a power to the parishes altogether inconsistent with that conferred

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by the Act of Charles II.; and there is no doubt whatever that the clause in the former statute is repealed by the clause in the later one. I merely mention this incidentally, to show that each and every particular part of the Act of Charles are repealed by some subsequent law. Now, the Jamaica Acts, 4th and 5th William IV. cap. 8., contain express provisions with regard to the erection of workhouses and houses of correction, and also an admirable set of rules and regulations for the management of those places. Those rules and regulations, so far from assuming the existence of the power to whip persons, make a classification, and particularly direct that due provision shall be made in each prison for the enforcement of hard labour upon such prisoners as it shall be felt due and proper to inflict it upon; and they were followed, *verbatim*, in the Jamaica Prisons Act of the 1st and 2d Victoria, which also contains no provision as to whipping. I think, therefore, it is perfectly clear that there is no power under the Act cited to inflict corporal punishment; and as a proof that no such power exists, no attempt has been made to exercise it. The special justices have been appointed for the protection of the emancipated classes; and I do not find that any individual has been punished as a vagrant except in one case, where a man was sent to Montego Bay for two days and kept to hard labour, for the offence of sleeping in the open air at night,— an offence for which, if he had been brought before a police office at home, he would have been punished by a much longer confinement, with, perhaps, the addition of hard labour on the treadmill. In point of fact, how is it possible that, in Jamaica, there can be any vagrants? Vagrants are persons wandering from place to place without means or provision. Why, the emancipated population have now more means of provision than some of their masters, for they have their provision grounds to resort to; and, in many instances, instead of confining themselves to the legitimate purpose for which these provision grounds were granted, — that of raising sustenance for themselves and their families, — the negroes speculate, and grow sugar upon them on their own account. Sir, this House will be much mistaken if they suppose the negroes have no desire to avail themselves of the rights conferred upon them by emancipation, — or that they do not desire to avail themselves of the right of voting. They do, and to a very great extent; and, moreover, the white population have no objection to their exercising that right. There are, already, many persons of colour in the House of Assembly, and ere long the whole black population will have the right of voting; and the whites have no desire to deprive them of the right of being represented, and of those consequences, which, in the nature of things, must inevitably flow from that right, if you, the Imperial Parliament, do not strangle the constitution of Jamaica.

It appears to me, therefore, that there is no ground for fear,— for the law does not permit these oppressions to be exercised which the Right Honourable Gentlemen opposite apprehends. There is a provision in the second Act — that of 37 Geo. III. — which appears to strike the Right Honourable Gentleman very much. He says that, by sec. 6., it is enacted, that all white persons apprehended and committed to prison, shall be lodged separately and apart from the negroes who may also be in gaol at the same time. The Right Honourable Gentleman says this a great hardship and an abuse — that while we have abolished slavery, and determined to put the black population on an equality with the whites, we yet insult and degrade the former, by enacting that they shall be kept apart from the latter, even at a time when both are in a state of receiving punishment for offences of, probably, an identical character. Now, I can relieve the Right Honourable Gentleman from his fear on this score also; for, actually, the power to separate offenders by distinction of colour does not exist at all. By the Act of William IV. it is recited, that former Acts do not sufficiently relieve the black population from the disabilities under which they had laboured; and it enacts that from and after the passing of this Act, all the free black and brown population of this colony shall enjoy all rights and privileges; and that Act of William IV. puts an end to the clause in the Act of Geo. III., alluded to by the Right Honourable Gentleman. Accordingly, no such power of separation as he complains of exists, and nobody would dare to put it into execution. Then there comes the Abolition Act; so that, both by the law of England and Jamaica, no such power exists. Also, it is proved that no such power exists by the Prisons Act of Jamaica, with which you so unnecessarily interfered. In that Act there is a classification of prisoners of all colours — a classification without reference to any thing but the nature of the offence — in the workhouses of the colony. According to that classification, offenders of one

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class are to be kept together, be they white, brown, or black; and offenders of another class are to be kept together, without reference, I say, in any case, to distinction of colour. Therefore, Sir, I repeat, that, by rules established under the authority of the Imperial Parliament, the prisoners in Jamaica are not classed according to their colour, but according to the nature of their crime; and so the apprehensions of the Right Honourable Gentleman are entirely without foundation. Then, Sir, I beg also the attention of the Right Honourable Gentleman to the fact, that should even the *minimum* of improper or illegal punishment be inflicted, the Governor and council have power to remit it.

With regard to the law of master and servant, I will only now remark, that the planters and the negroes ought to have been allowed to fall naturally into the relation of master and servant; but the fact is, no contracts have been entered into, because the black people have been advised not to work, — and the result is, that they have yielded no continuous labour, but have fallen back on their provision grounds. If there be a necessity for legislation on this subject, it should originate in the colony. I say, then, Sir, that Honourable Gentlemen should take heed of the course they are pursuing; if they do not, they may lose to this country the great revenue she derives from the Island of Jamaica; but, on the other hand, if they proceed in a proper spirit, they may preserve that important colony as a source of wealth to the empire, and at the same time not interfere in the least with the rights of the newly emancipated population, nor fail in protecting them from injury and oppression. I say that this House has now the opportunity of doing justice to the emancipated population, without doing injustice to the House of Assembly. Sir, I do not hesitate to affirm, that this Bill, if it pass into a law, will be one of the most harsh and oppressive, and at the same time, one of the most unnecessary, enactments that ever passed this House. I pledge my reputation as a lawyer, — and it may be said that the stake is small — but, such as it is, I risk it on the issue, — that there is no enacting part of this Bill, the necessity of which can be defended on any principle of justice, on account of anything that has yet passed. I believe that the country will fairly judge between the two sides, or parties, when the question is fairly before it; and I have no doubt as to the way in which the decision will be given. If such grounds of necessity exist for this measure as have been asserted, they have not hitherto been shown; and if such proceedings as have been alleged had taken place in the prisons, they would certainly have been described in the reports of the stipendiary magistrates and the inspectors of prisons. I trust, then, that the House will give the Legislature of Jamaica an opportunity of doing that which Honourable Gentlemen opposite say they are so anxious for, — namely, of legislating for the emancipated population of that colony. If the House of Assembly reject the opportunity so afforded to it, I pledge myself to give my best support to the Government in passing such laws as may be necessary to meet the exigency of the case. Entertaining these feelings, I will conclude with moving that the first enacting clause in this Bill be omitted.

On the question being put, "That this clause stand part of the Bill,"—

Mr. LABOUCHERE said: — In the first place, Sir, I cannot but express my regret that the Right Honourable Gentleman was not present at the debate which took place when the former measure proposed by the Government was under discussion; for I feel satisfied that, if the Right Honourable Gentleman had been then present, he would not have thought it necessary to enter into the very wide field of discussion which occupied the first half of his speech, but which offered nothing but topics that were already discussed and disposed of; nor have even they been made the subject of any observations but such as were applicable to a measure which, although it was under the consideration of the House, indeed, upon that former occasion, does not form, at present, the subject of deliberation. I hope, therefore, that the House will excuse me, and that the Right Honourable Gentleman will not attribute it to any want of respect for his argument, if I abstain from following the Right Honourable Gentleman into a discussion which cannot be attended with profit on the present occasion. Instead of doing so, I think I shall better employ the time of the House if I endeavour to state what I conceive to be the real object of the present debate, — and what are the much narrower, although very important, grounds upon which the House has now to form its judgment. With regard to the former Bill brought forward by the Government, the Right Honourable Gentleman has truly said that it was withdrawn, — not because there was any change of opinion, on the part of the Administration, as to its utility, nor because the House expressed a contrary opinion to

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that which was announced by the Government, — but because the House was nearly equally divided in its sentiments upon the question. While one party was of opinion that the conduct of the House of Assembly had been such as could lead to no rational belief that they would legislate, hereafter, so as to give effect to the great measure of emancipation, and to satisfy the just expectations of the people of England; the other party considered it expedient — not, indeed, to succumb to the House of Assembly, — not to permit it to persist in the system which it had theretofore pursued, but — to give it (to use the phrase of the Right Honourable Baronet the Member for Tamworth) a *locus pœnitentiæ*, — taking care, at the same time, that, if the House of Assembly did not avail itself of this *locus pœnitentiæ*, — if all legislation was suspended in Jamaica for another year, — sufficient provision should be made for preventing the occurrence of anything that could endanger the peace of the community in that colony, or frustrate the great experiment of which it is now the scene. The present Bill has been framed for the express purpose of carrying into effect the latter of these views of the subject, and of affording the *locus pœnitentiæ* which was contemplated. If it pass, the House of Assembly will be called together, and will be invited to legislate; and I should consider that the Government, after making this concession, would be acting in an unworthy spirit, if it did not afford to the House of Assembly a full and fair opportunity of legislating upon the subjects now demanding their attention, or if the present Bill contained any restrictive provision which the safety and welfare of the people of the colony did not fairly require. The only question, then, is, whether the provisions of the present Bill go any further than the necessity of the case demands? or whether it is only such a measure as is necessary to fulfil the pledge which Honourable Members have given to their constituents, that they would use their best endeavours to secure the success of the Emancipation Act, and not abdicate the control which this House possesses, at the very time when it may be most necessary to exert it? For, although slavery may be abolished, the interests of the recently emancipated population will furnish abundant cause for the Legislature of this country to continue to exercise its paternal care and solicitude towards the inhabitants of the colony. That is the real question now in debate; and I shall say nothing whatever with respect to the bygone transactions which formed the topics of the early part of the Right Honourable Gentleman's speech, except a very few words in justice to the gallant officer — Sir Lionel Smith — to whom allusion was so often made. I can easily understand the Right Honourable Gentleman's anxiety to vindicate his consistency in the present instance, after the course which he took on a former occasion. When the Emancipation Bill was before Parliament, — a Bill which invaded every right of the House of Assembly, if that body had the exclusive right to legislate for Jamaica, — a measure which interfered infinitely more with their alleged privileges than the present Bill, — I recollect the conduct pursued by the Right Honourable Gentleman; and I am, therefore, not surprised that the Right Honourable Gentleman appears so anxious to vindicate the consistency of the course he is now pursuing. What was the course that the Right Honourable Gentleman adopted on the occasion in question? That Bill was brought forward by her Majesty's Ministers; and the Right Honourable Gentleman suggested that a number of amendments should be introduced into the Emancipation Act with the view of protecting the rights and interests of the negro population. Several of these amendments were adopted on the recommendation of the Right Honourable and Learned Gentleman; and, amongst others, the prison clauses were introduced into the Abolition Act Amendment Bill, with the view of meeting the feelings of alarm which were excited as to the conduct that would be pursued towards the negro population, and the thorough distrust which the planters in Jamaica had justly inspired. These clauses, I repeat, the Right Honourable and Learned Gentleman successfully pressed on her Majesty's Government, and they were adopted in that measure. Does the Right Honourable and Learned Gentleman now mean to say that these clauses were not then absolutely necessary? and will he say that he will not protect the emancipated negro population as well as the apprentices? Does he mean to say that a Prisons Bill is not necessary? Was it intended that, at the expiration of the Apprenticeship Act, the emancipated population should be left to such protection as would be afforded them under a Prisons Bill passed by the House of Assembly? If the Right Honourable and Learned Gentleman does advocate this view of the case, he will have some difficulty in persuading the House that he has acted a consistent part. In reply to the charges made by the Right Honourable Gentleman against Sir Lionel Smith, I scarcely

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feel it necessary to do more than refer the House to the extracts which I read on a former occasion from the speeches of several members of the House of Assembly, who said that their quarrel was not with Sir Lionel Smith; that they were most anxious not to make it a personal quarrel with him; that their quarrel was with the Imperial Parliament and the Government of England; that their complaint was of the manner and tone in which the Imperial Parliament legislated for the Island of Jamaica, and that they wanted to be assured that that course of legislation would be altered. That was the ground, as alleged by those members of the House of Assembly, which had led to their differences with Sir Lionel Smith. The Right Honourable Gentleman has commented in severe language upon the conduct of Sir Lionel Smith towards the negroes; in answer to which I will read an extract from a proclamation issued by that gallant officer, and addressed to the negro apprentices, on the 9th of July, 1838, which is in these words: —

> Recollect what is expected of you by the people of England, who have paid such a large price for your liberty. They not only expect that you will behave yourselves as the Queen's good subjects, by obeying the laws, as I am happy to say you have always done as apprentices, but that the prosperity of the island will be increased by your willing labour, greatly beyond what it ever was in slavery. Be honest towards all men; be kind to your wives and children; spare your wives from heavy field-work as much as you can; make them attend to their duties at home, in bringing up your children, and in taking care of your stock; above all, make your children attend divine service and school. If you follow this advice, you will, under God's blessing, be happy and prosperous.

The Right Honourable Gentleman may make that proclamation a matter of crimination against Sir Lionel Smith, as being unnecessary and uncalled for; but I am of opinion that the people of England will think very differently of it, and I believe that very few Honourable Gentlemen on the other side of the House will concur in the censure passed by the Right Honourable Gentleman, or in such language as has been applied by him to the conduct of that gallant officer. I have thought it only a matter of justice to say thus much in defence of Sir Lionel Smith, — who has had, Heaven knows, sufficient difficulties to contend with, besides misrepresenations of this sort, — and to repel, as I believe I have refuted, the charges made against him. I now come to what I consider to be the real question. Both sides of the House, I believe, are agreed as to the principle; but while we (the Government) do give to the House of Assembly a *locus pœnitentiæ*, and time to pass every law that may be required for the prosperity of the island, — while we do not, Sir, attempt to legislate in the slightest degree directly, provided the Colonial Legislature will but legislate for themselves, — we at the same time conceive it necessary to give to the Governor and council the discretionary power of reviving such measures as the House of Assembly may refuse to re-enact. I agree with the Right Honourable Gentleman, that it would be dangerous to say, at this side of the Atlantic, what portion of these particular laws are absolutely necessary for the good government of Jamaica, and what portion are not so. I will only say, in reference to the doubt expressed by the Right Honourable Gentleman opposite of the original intention of the Government to introduce into the clause conferring the discretionary power to which he has alluded, a provision which will give to the House of Assembly full time to legislate, if they are so disposed to do, — I will only say, that both the original and printed copies of the Bill contain such provision. I may also appeal to Mr. Burge, whom I informed of the fact of the words having been accidentally omitted in the Bill. I must now briefly advert to the difference between the language used by the Right Honourable Gentleman, and that employed by Mr. Burge, when he addressed this House. The Right Honourable Gentleman objected, in very strong language, to the powers conferred upon the Governor and council in the first clause; whereas, the arguments of Mr. Burge were specially directed against the second clause in the Bill: and that I am not surprised at, when I consider that the clause in question contains a taxing power; — Mr. Burge even went so far as to say that, unless that clause was expunged, there was no chance of the Assembly of Jamaica proceeding to legislate. The Right Honourable Gentleman has told the House that any new law upon the subject of vagrancy is absolutely unnecessary. The Right Honourable Gentleman is perfectly singular in that opinion. It is not the opinion of the Governor, who says it is absolutely necessary; neither is it the opinion of the House of Assembly themselves, who agree that a Vagrancy Act is one of the measures most called for in the colony — nay, that it is absolutely imperative. All the encomiums, therefore, which the Right Honourable Gentleman has indulged in, upon the subject, go for nothing. I am greatly surprised to hear the Right Honourable Gentleman say that there is no vagrancy in Jamaica. If that be the case, how does it happen that

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the Governor, that the House of Assembly, and that every person who has communicated information on the subject, should have been so completely ignorant of the fact, since they all agree in saying that a good Vagrancy Law is most essentially requisite for the Island of Jamaica, in its present state? I will now proceed to consider the present law of vagrancy in the colony. I am aware that, in touching on this part of the subject, I may appear to be guilty of presumption in contending on a point of law with such an eminent authority in the legal profession as the Right Honourable Gentleman; and if I rested merely on my own opinion, I should hesitate to make any observations on the subject; but, fortunately, I am backed in the view that I take of the subject by those whom I must consider to be competent authorities on it. The Right Honourable Gentleman says that he will pledge his reputation, as a lawyer, that he 35th Charles II. c. 11. — the frightful provisions of which, on a former occasion, I read to the House — is no longer applicable in the colony, but that every clause in it has been repealed and annulled; and that it is no more the law of Jamaica now, than if it had never been enacted; and that he cannot understand how any man of reason could look at the statutes of Jamaica and not be of the same opinion. I have a very great respect for the opinion of the Right Honourable Gentleman; but I think I shall be able to show that neither has the Governor of Jamaica stated that a new law is not necessary, nor have the colonial officers adopted that statement, upon light grounds. I think I can show, likewise, that the opinion of the Chief Justice, and that of the Attorney General, of Jamaica, are entitled to some respect upon this point. If it happen that their opinions are in direct contradiction to that of the Right Honourable Gentleman, I will not say it follows that the Right Honourable Gentleman is right and they are wrong, but that there must be some obscurity on the subject, and that it is clearly the duty of this House to provide that no such obscurity shall any longer exist. I conceive that the opinion of the Chief Justice and Attorney General of Jamaica is, practically, of considerable importance on this point, because they are the persons who have practically to decide upon it. It would be rather an unfortunate kind of consolation to a person who should happen to be flogged under the Act in question, to be told that, in the opinion of a very eminent English lawyer, his punishment was illegal, for the Vagrant Act was not law. I fear the Right Honourable Gentleman has rather rashly declared that he would willingly undergo any number of lashes that could be inflicted under that Act ——

[Laughter.]

and that, were the point to be put at issue, he would feel somewhat disposed to retract his offer. In a despatch, dated November 6. 1827, I find the opinions of the Chief Justice and the Attorney General upon this subject, which are to the effect that the 35th of Charles II. c. 11. gives the power of punishing vagrancy in Jamaica; that, by the 3d section, the churchwardens are authorised to apprentice poor children; that the 4th section of George III. authorises the establishment of workhouses; and the 5th, the occupation of vagrants at labour for a certain period. When we find it to be the opinion of the Governor that very serious evils may result from maintaining the present law, and not enacting a new one on the subject of vagrancy, — and when we find that the House of Assembly also requires some alteration in the law,—I think I may fairly conclude that it would be most inexpedient to allow another year to pass over without some new enactment on the subject. The Right Honourable Gentleman has stated that there is no evidence of convictions having taken place under the present Act. That is true; but it should be recollected, that hitherto ejectments have not taken place to any great extent in Jamaica. If the number of ejectments should become increased, the case would be found very different in reference to the number of convictions under the Act. At all events, it cannot be said that the House of Commons is acting intemperately in providing that there shall be legislation on the subject, when we at the same time provide that ample means and time shall be afforded the Legislative Assembly of Jamaica to legislate for themselves, before we interfere with them. The Right Honourable Gentleman has likewise observed, that even if we and the law officers of Jamaica are right in supposing that this law — or what we regard as the present Vagrancy Law— is actually in force, and unrepealed, it, after all, does not vary much from the English law. Now, I conceive they differ in many important points. If the House look at the provisions of the present vagrant laws in England, as consolidated and amended in 1824, they will find them infinitely less harsh than those of the Jamaica law. Even if they were word for word the same, still it should be recollected that a law on this subject, which might work very well in England, might work very

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harshly in Jamaica, where there exists, among other difficulties, such a mutual distrust between the employer and the labourer. I readily admit that, in the Orders of Council now on the table of the House, there is evinced a distrust and suspicion, but it is a necessary distrust and suspicion. I now come to the second clause of the Bill, which regulates contracts for lands, upon which the House of Assembly has come to a similar conclusion, — namely, that a new law of contracts is urgently required for Jamaica. The Right Honourable Gentleman says he does not consider any new law necessary. I, however, must own that I cannot but think the House of Assembly and the Governor of Jamaica, upon this, as upon the other point, a higher practical authority than the Right Honourable Gentleman can possibly be. If we compare the contract laws of England and Jamaica, a very great difference will be found between them. The law of contracts, as at present existing in Jamaica, is completely a one-sided law. All the penalties and punishments are directed against the negro who may break his contract; there are none on the other side. The Right Honourable Gentleman says there is no necessity for a new law, because there are very few punishments under the present. There are, undoubtedly, very few; but the reason of that is, that there are very few contracts. The negro will not enter into a contract under the present law; and I think he is quite justified in declining to do so upon such terms as the law now provides. It gives to the negro no power to recover from the oppressor — if it shall be his misfortune to fall into the hands of one — that which is his due; while it gives to the master every power of teasing and harassing the negro, if he shall think fit so to do. If you are disposed to place the negro in a just relation to the master, and if you do not wish to prevent him from acquiring habits of industry, then must you agree with the House of Assembly, that legislation on the subject is necessary.

The last law to which I have to refer, and which is by far the least important, is that for preventing the unauthorised occupation of land; an evil which has not gone to any great extent in Jamaica, because, hitherto, there have been but few ejectments: but the enactment of a proper law is essential to meet the contingency of the number of ejectments being increased; in which case the present law would operate very injuriously. I beg of the House to recollect the position in which we stand with regard to these laws. We have heard the learned agent for the House of Assembly, and I am glad we have. That gentleman did not state that any one of those laws is in itself oppressive or unjust, or is not such a law as the House of Assembly ought to pass; and I beg the House to observe that these three Orders of Council have been in operation in all the Crown colonies without giving rise to the slightest complaint against them. I will repeat, that it is the wish of her Majesty's Government to respect the feelings of the House of Assembly in Jamaica as far as possible, and as far as possible to avoid any interference with the just rights and privileges of that body; but to adopt so moderate and limited an interference as that which has been recommended from the other side, would be a complete abandonment of the position which the Ministers of the Crown took up in the last Session of Parliament. In the month of April, last year, the Right Honourable and Learned Gentleman opposite contended that the Government in the West Indies should have the power of making regulations for controlling the colonial Legislatures, and for affording sufficient protection to the apprentices. His argument now goes quite the other way; he altogether objects to the Government making any new regulations: and I must remark, I am surprised to hear the Right Honourable Gentleman say that his objection to the Prisons Bill is on account of its doing that which was the purport of his own clause. I will ask, is it wise or prudent that there should be so little of consistency or stability in the conduct of public affairs as this violent departure from principles previously acknowledged and acted upon implies? At times there would appear to be, in this House, great excitement on the subject of our West India colonies, and there would appear to be an earnest disposition to agree to any propositions, however sweeping and extensive: then a change will come over the sentiment of the House;—the language held will be different, and, the public attention, being fixed on something else, we allow these colonial Assemblies to set us at defiance. Sir, I apprehend that, when this House passed the Emancipation Act, they said,—"We will not prematurely terminate the apprenticeship; but when the period of it shall have transpired, we will continue to extend our protecting care over the free black population." Then, Sir, I ask, after all the experience we have had, — after the House of Assembly has refused to legislate, — shall we leave these three subjects — admitted, by those best acquainted with the colony, urgently to require legislation — to take their

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chance in the hands of the Assembly? Sir, if we were to do this, our constituents would say that, on the former occasion, we adopted our resolution only in deference to the popular excitement of the time,—that we yielded to the breath of popular clamour: they will, in consequence, lose all faith for the future in such general declarations; and when next such a state of things shall arise, and we attempt to meet it by a promise of the kind, they will cease to place any reliance upon a general assurance. Sir, it is my opinion that everything should be done, and nothing omitted, to show that a protecting care will be extended to the negro population; and I urge these considerations, and all others which I have felt it to be my duty to address to the House, with the more earnestness, from a conviction that the House is now upon its trial; and I hesitate not to say that, if we do not take care, we shall altogether lose the confidence of the colonial dependencies of this great empire. There is, I repeat, no portion of the empire which can put confidence in our general declarations, if, on one occasion, we limit our provisions in legislation to an extent so narrow as is now proposed, while at another we are ready to go indefinite lengths. I hope, then, that the House will not reject the proposed clause. In framing this Bill, her Majesty's Government have been most anxious to limit the interference within the narrowest bounds to which it can safely be confined; and I claim, in their name and on their behalf, as much credit for what they leave undone, as for what they do; and when the House considers how essential is some legislation, in the altered condition of things in Jamaica, I trust they will not refuse their sanction to this measure.

Mr. W. E. GLADSTONE.—Sir, for several reasons, I wish to address the House on the present occasion as briefly as possible. I feel that it has been often my lot to obtrude myself on the attention of the House on this subject; and I feel, likewise, that the whole of the legal part of the subject has already been exhausted by my Right Honourable and Learned Friend near me, the Member for Ripon, and I believe that what remains to be said may be comprised in a very few words. I always did agree in much that has fallen from the Right Honourable Gentleman opposite on the subject of the West India colonies, and especially I concur with him on the present occasion: I agree with him in thinking that, upon a subject of this nature, it is a matter of the highest importance that the colonies of this great empire should feel confidence in the steadiness and the stability of the Government. I concur with those who lay it down as a general principle, regarding the control which the Imperial possesses over the colonial Legislature, "that that control is supreme." There cannot be a shadow of doubt that Parliament has maintained and exercised that control. It is a matter not to be questioned, that it forms part of the duty of Parliament to watch over, to correct, and to control the Legislatures of our West India colonies. I agree further, that, as a general rule, it is expedient, it is prudent, it is in accordance with equity and justice, that Parliament should leave the ordinary business of legislation to the colonial Legislatures; and that Parliament —exercising a control over itself—should not permit itself to interfere or to meddle with affairs of every day occurrence, but should rather reserve itself exclusively for great and worthy occasions on which to interpose its paramount authority. If, then, the Right Honourable Gentleman opposite agrees with me in these general principles,—as, indeed, I do not see how he can dissent from them,—I beg permission to examine in what manner they can be applied to the proposition now before the House. In the first place, it cannot be denied that the colonial Assembly ought to have a full and fair opportunity to reconsider the course which they have pursued. When that opportunity has been given, and when it is found that the colonial Legislatures have not employed it to advantage, I shall then not be prepared to oppose the interference of the Imperial Parliament. But until that time arrives, I confess it does appear to me that we ought to pause. The Right Honourable Gentleman opposite has spoken as if I, and those with whom I am in the habit of acting, had treated the question before us as a party question. Can he, on reflection, really think so? In choosing a point of attack, is it to be supposed that the weaknesses of the Government are so few, or the Conservative party so much embarrassed, as to involve the necessity of coming to issue in the defence of the Jamaica House of Assembly? Can any one suppose that we should have entered upon that defence, had we not been influenced by those higher considerations which rest on the great principles of public justice? Before I proceed further, I request the House to reflect upon the probable reception which a measure of this nature would be likely to secure, if, instead of the Noble Viscount in another place, the

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Right Honourable Baronet near me had happened to be at the head of her Majesty's councils.

[Cries of "Hear, hear, hear!"]

If that Right Honourable Gentleman had proposed to suspend the rights and privileges enjoyed by the House of Assembly in Jamaica during 200 years, not only the whole of the Honourable Members opposite would have raised against him a most formidable opposition, but more than half of his own friends would have withdrawn from him their support, and have said, that, though disposed to vote for his measures generally, "this was too much." I ask, is it to be expected that 294 Members — I believe that is the number — of the reformed Parliament would support a Bill hoping to get rid of it on principles such as have been stated?

Now, I will ask, have the colonial Legislature in Jamaica been allowed the opportunity to which they are fairly entitled? I will assert the negative. It was not in their power to have proceeded with the matter antecedently to the month of November last, for they were in effect prohibited by the policy pursued at the Colonial Office, with the details of which it is not now necessary that I should trouble the House. In November last the subject was certainly named to them by the Governor; but before that time it was out of their power to take the subject up. I will now come back to the Prisons Act. I am prepared to admit the objections to it, — nothing shall restrain me from doing so; but I request, at the same time, that Honourable Members will not lose sight of the fact, — that at the time of passing the Emancipation Act there was a contract for the fair carrying out of all principles on which that measure was founded, and there can be no doubt that there was a full understanding that an improvement in prison discipline was to be amongst the number. But by the provisions of this Bill it is proposed to legislate, as to the minutest details, for the prisons of the West Indies, in a tone and manner which would have fully authorised any other act of internal interference. Had it not been protested against by the local Legislature, the privileges of the House of Assembly would have been completely set aside, and the Prisons Act, as it stood, would have been a precedent for the most minute interference on the part of the Imperial Legislature, even to the extent of fixing the price of yams in Kingston market. I am, moreover, prepared to affirm that Parliament may very well say that they are prepared to admit the ordinary right of the House of Assembly,—to admit that, in the usual course of affairs, that House of Assembly are entitled to regulate the affairs of the colony in such manner as they may think the most fitting; but Parliament may, at the same time, intimate to the House of Assembly, that they are not competent to the task of re-organising themselves — that Parliament must reserve to itself that important undertaking: this would not be encroaching on the constitutional rights of the colonial Legislature.

Bearing these considerations in mind, I shall request the House to recollect the demand made by the colonial House of Assembly; it is this, — that they shall be guaranteed in the exercise of the ordinary rights of legislation. I admit the dilemma and the difficulty; but I blame the mode in which the executive Government now proposes to interfere with the legislative rights of the House of Assembly, and I contend that that body ought to be allowed a sufficient *locus pœnitentiæ*, — an advantage to which they are entitled, but of which, it appears to me, the Government, themselves, stand in more need. That of which I think the House of Commons has a right to complain is, that there exist no fixed grounds for legislation, — that there was no fair offer held out in November last, — and that ever since then, just grounds of alarm have existed in the minds of the colonial Legislature. The intention of Parliament has been to confine itself to interference, there—and there only —where it might be necessary to secure the great end of emancipation. Further, when the Right Honourable Gentleman talks of his anxiety to give the House of Assembly ample time and opportunity for considering and settling these three important questions, I would ask what is his notion of ample time and opportunity? The House is now sitting, nearly in the middle of June. Even supposing the Bill to pass by the middle of July, which is a very liberal allowance, then it reaches Jamaica by the end of August; the Governor cannot convene the House of Assembly before the beginning of September, and then they are to be told that if they do not agree to satisfactory measures before the 1st of October, certain laws will issue from the Governor superseding their legislative power. This is surely not affording them the fair and ample opportunity of which the Right Honourable Gentleman speaks so much, — nay, more, I say it is not treating the House of Assembly with common decency. Such a proceeding as this may

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be justified by very strong circumstances; but what has the Right Honourable Gentleman himself stated as to the probability of obtaining laws on these subjects from the House of Assembly? Mr. Burge, it is admitted, may be taken as supplying a criterion of the opinions and views of the House of Assembly, and the Right Honourable Gentleman has remarked that Mr. Burge expressed no objection to the three enactments. Now, if this gentleman has not started such objections, and is to be taken as the mouthpiece of the colonial Legislature, what reason is there for supposing that the House of Assembly is disinclined to take the desired course themselves? Whatever the Imperial Parliament do, ought to be done in such a manner as not to nullify their own Acts. The colonial Assembly should not be called upon to adopt their course of proceedings under the influence of immediate menace. The whip which has been removed from the shoulders of the black should not be suspended over theirs. It is hardly treating them with due consideration to allow them so little time; it is absurd to call upon them to legislate within so short a period. Some time ago, nothing was thought of the delay of a year, and a year has already passed away; but there will be no such necessity for the delay of another year. What is the subject of difference? On the one hand, the Government demands that the House shall violate a great constitutional principle; and, on the other, the only inconvenience, they themselves state, is the delay of a year. But there is every reason to believe that enactments, to answer the purposes required, could become law by January next; and it would be far better, if the necessity were to arise, to summon a Parliament at an earlier period than usual to legislate upon these subjects, than that constitutional principles should be violated by providing for them in the manner proposed by this Bill. There is no reason, if the motion of my Right Honourable Friend be carried, and the first clause altogether omitted, why the Bills which it is thought desirable to enact conditionally, at the present moment, may not, after all, become law in the Island of Jamaica in January next; and the delay which will be occasioned will be much more fairly stated at three than at twelve months. What is the amount of evil which will result from this suspense? The House must certainly be surprised to learn that the negro population, whose grievances are made the foundation of this important measure, are a minority of the whole emancipated negroes. There are, at least, between 200,000 and 300,000 emancipated negroes in Barbadoes and the other islands for whom none of these provisions are proposed to be made, and yet, with respect to them, the necessity for such protection must have been just as great as for the negroes of Jamaica. If, therefore, the Government can make out a case of serious grievance for the population of Jamaica, they will convict themselves of gross neglect and injustice to the negro population of the other colonies, inasmuch as they do not propose similar regulations for them. But because they do not propose any such enactment for the other colonies, I think the inference irresistible, that there is no real case of grievance in Jamaica.

With regard to the subject of ejectments, which has been touched upon, I think the planter has more reason to complain than the negro. The planter ought to have some means of ejectment by summary process, seeing that the negro can, by summary process, recover his wages. But this defect in the law, in so far as it presses upon the planter, it is not proposed to remove. So, with respect to the law of contracts, the planter is a greater sufferer from the want of such a law than the negro. There are no means of summary ejectment. There are no written contracts in existence. But who suffers from this? Not the negro, who receives his wages from day to day; but the planter, whose interests require continuous labour on a large scale, but who cannot have it on any guarantee for its continuance under the present system. My Right Honourable Friend has referred to the Act of Charles II., relating to vagrancy; and, upon the question as to whether it has been repealed or not, he quoted the opinions of the Chief Justice and Attorney General of Jamaica, in opposition to the opinion of my Right Honourable and Learned Friend the Member for Ripon. I certainly was surprised to hear my Right Honourable Friend do this, and cannot help suspecting that, if the opinions on both sides had been the reverse of what they are, my Right Honourable Friend would have quoted that of the Right Honourable and Learned Gentleman the Member for Ripon as decisive authority. But I have another opinion to adduce on this subject, which, though it can give no additional weight to my Right Honourable and Learned Friend's authority, may have some influence with my Right Honourable Friend opposite. This is, the opinion of Lord Glenelg, who, in a letter of the 15th of September, 1838, to the Governor of Jamaica, says, —

The Chief Justice refers to the Colonial Act,

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Chas. II. c. 18.; the Attorney General adds a reference to the 35th of Chas. II. c. 11., and the 7th of Geo. IV. c. 26. It seems to have escaped their notice, that the Acts of Chas. II. were repealed by the 6th of Geo. IV. c. 17.; nor has either of them referred to the statute of 17 Geo. III. c. 31.

It is no affair of mine, *tantas componere lites*. I do not say that the opinion of Lord Glenelg should overthrow that of the law officers of Jamaica; but if there be any doubt of a law 200 years old being repealed, it would be infinitely better to introduce a clause removing all difficulty, than to make such doubt a pretext for interfering with the general powers of the Legislative Assembly. The second clause involves no decision between the respective merits of the Assembly and the Government; and the only choice it offers is between superseding constitutional principles and absolute anarchy. In October next, the taxes will cease to be due, and it is essential that we should interpose to secure the first necessity of civil society. By this clause, the Imperial Legislature recognises it, as its first duty, to make provision that the Government shall be carried on, and that the population of the country shall not suffer from the suspension of the natural and necessary operations of society. Deeming it, therefore, the first duty of the Legislature to take care that the mass of the public do not suffer from the suspension of all the ordinary functions of Government, I shall support that clause with some modification. I have nothing more to add. I do not wish to detain the House. The side of the question which I advocate is not that which admits of popular appeal; but I believe it is the side which involves the principles, in the long run, most essential to the interests of the people themselves, and it is entitled to the respect which this House always accords to constitutional rights: and I must say that, if that respect exists now with the powers with which it ought to operate, it will be impossible for the House to sanction this clause of the Bill before them.

SIR GEORGE GREY.—Sir, I am not disposed to trouble the House at any length, having already so often addressed them on the subject of Jamaica; but I cannot refrain from alluding to what I might almost call the misrepresentations of the Honourable Gentleman who has just sat down, relative to the repeal of the Vagrant Act, and the despatch of Lord Glenelg. Lord Glenelg directed a circular to the officers of the different colonies, requiring information on many points bearing on the future condition of the emancipated population. He obtained full and ample reports from the different law officers upon the point of poor laws. The chief portion referred to the Colonial Act of Charles II.,—not the 35th, chap. 11., but 35 C. II., chap. 18. The Attorney General added the reference to the 35th, chap. 11.; but the unimportance of the reference was evident from the Chief Justice not adverting to it. And this was the Act which, as it referred to the poor, was repealed by the 6th of George IV. But to the query as to what were the laws existing with respect to vagrancy, the Chief Justice and the Attorney General, with one mind and without the slightest difference of opinion, referred to the two statutes, the 35th of Charles II. and the 32d of George III. Now, since it is by the Chief Justice that juries are to be directed, and the law is to be laid down and enforced in Jamaica, his opinion was of great importance as to the Act of Charles II. being still in force. No one is more ready to admit, than I, the high authority of the Right Honourable and Learned Gentleman opposite; but, unless his chivalrous feelings impel him to take upon his shoulders the duties of the Chief Justice, as well as the stripes which he doubts the legality of inflicting, I cannot surrender the opinion of the law officers of Jamaica even to that of the Right Honourable Member for Ripon.

Sir, it should be remembered that the agent for Jamaica, when at the bar of this House, addressed his opposition, not to the first but the second clause; and said that, if the House passed that second clause, the Assembly could not recede from the position they had taken. It was said that no opportunity had been given to the Assembly for really considering these subjects. But I must say, that, if no opportunity has been afforded, it is because the Assembly took a ground which was untenable, and which rendered it necessary for the Governor to suspend all further communications with them until something was done by the interference of the Imperial Parliament to insure a satisfactory result. My Honourable Friend has insisted that there will not be time, if this Bill be passed, to allow the Assembly a fair opportunity for legislating on these subjects. But the words in italics may be altered, so as to give them that opportunity. Now, if this Bill pass by the 1st of July, or even so as to be transmitted to Jamaica by the packet of the 15th, there will be at least an interval of six weeks after its arrival before the measures come into operation. At all events, it is intended that such time should be given as will fully redeem the pledge given by the Government. I do

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not wish further to detain the House, — the main subject having already been more than fully discussed. I do, however, hope that the House, after the solemn pledge given last year, will arm the Government with sufficient powers to prevent the continuance of oppression, and to provide against the contumacy of the Assembly, in refusing to legislate, when legislation is absolutely necessary for the safety and wellbeing of the colony.

Mr. W. E. GLADSTONE. — I admit that I made a hasty and erroneous reference. But still I contend that that does not at all affect the argument. If my Right Honourable and Learned Friend be correct in saying the Act of Charles II. is repealed, *cadit quæstio;* if not, it would be better to insert a clause to remove all doubts, rather than invade the constitution and insult the Assembly.

[Loud cries of "Divide!" and, "Withdraw!"]

The SOLICITOR GENERAL. — I am one of those who will not draw on the opinion of the Chief Justice or of the Attorney General of Jamaica. I desire to grapple with the argument of the Right Honourable and Learned Member for Ripon, and I say that I do not believe that the Act of Charles II. is repealed. First, I must observe that it is a difficult matter for the Colonial Secretary to decide that the Chief Justice or Attorney General of Jamaica has given an erroneous opinion upon such a point. But I now come to the more onerous question, and will state to the committee why I do not believe that the clause in question of the Act of Charles II. has been repealed.

[Cries of "Divide, divide!"]

I do trust the committee will give me their attention, when they consider that it is on the accuracy of this distinction that the whole question turns. Now, the 7th of Charles II., section 2., enacts, "That all rogues, vagabonds, or disorderly persons shall be apprehended by the constable, and carried before the justice of the peace; and if it shall appear that they come under that character, and refuse to work, the said justice shall order him or her to be whipped on the naked back, not exceeding 39 lashes." The Right Honourable and Learned Member is aware that one class of vagrancy cases that is to be guarded against is, that of persons who go about practising magic, or *obeah* as it is called; but the second statute refers only to persons who go about the country destitute, and who are not able to maintain themselves. There can be no doubt that those who practise magic are still liable to punishment under the original vagrant law, and yet the Right Honourable and Learned Member holds that the subsequent Act repeals the former. I believe that the class of cases which I have put is not touched by the second Act, because no person who is enabled to maintain himself can be said to come within the scope of that Act.

Mr. GOULBURN. — As I have not the honour to belong to the legal profession, I will not venture to give an opinion on a point of law on which two such eminent lawyers, as my Right Honourable Friend the Member for Ripon and the Honourable and Learned Gentleman opposite, differ. Still, if I were compelled to side with one or the other of them, I should be inclined, without meaning any disrespect to the Solicitor General, to stand by the opinion of my Right Honourable and Learned Friend near me, who has delivered a most able and elaborate argument, and quoted several statutes in support of his views. I must, however, deny that we are to be governed by the views of the Chief Justice of Jamaica upon a question of this nature. If that learned judge had been called on to give an opinion upon a point of form relating to the practice of his own court, I should be prepared to pay every deference to that opinion. But that is not the case here. He was called upon to state what laws were applicable to vagrancy in Jamaica, and he replies that the Acts of Charles II. and George III. are applicable; but he gives no kind of reason in support of the opinion he so entertains. Then we are told that the Chief Justice of Jamaica must necessarily be a man of great legal knowledge, and that therefore his opinion is entitled to respect. Now, how stands the fact of his knowledge?—We find, by the statement of the Right Honourable the Judge Advocate (Sir G. Grey), that the Chief Justice informed Lord Glenelg that certain Acts relating to the poor were still in force, although those Acts had really been long before repealed; consequently, the Chief Justice was clearly at fault in that case. Knowing, then, that my Right Honourable and Learned Friend the Member for Ripon is as competent to judge of an Act of Parliament as any man in this country, or in any of our colonies, I take his opinion upon such a point as

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that now in dispute in preference to any other. But, after all, the question is very immaterial, whether the Act of Charles II. be repealed, or not. The real question is, ought this Bill to pass, or ought it not? The former Bill, which proposed to abolish the constitution of Jamaica altogether, the Government have withdrawn. But let me ask, does not this Bill do the same thing, and in a more obnoxious manner than the other? The House is aware that the present mode of passing laws in Jamaica is by a House of Assembly elected by the people, a legislative council, and a Governor; the legislative council being also the Privy Council, appointed by the Governor, and removeable at any time by the Crown. Now, what does this Bill propose? That if the House of Assembly do not agree with the legislative council as to the laws that may be brought before them,— however frivolous and unimportant may be the objection of the council, — from that time the functions of the House of Assembly shall cease, and the council shall have the power to legislate for the island. You thus, in point of fact, give a premium to the council to dispute those laws that may be submitted by the Assembly, however wholesome and salutary, in order that they may have the right of exclusive legislation. Put a similar case in regard to this country;— can any man doubt what would be the result, if it were proposed that the House of Lords should have the power of rejecting any measures that might be sent up to them from the House of Commons, to supersede the functions of the House of Commons altogether, and to legislate for the country without their interference? And yet this is the proposition brought forward by the Government with regard to Jamaica; for it makes the existence of the House of Assembly depend, not on any great public question, nor on any great point of public policy, but on any objection that may be taken to it, even from caprice, by a co-ordinate branch of the Legislature of Jamaica. I trust that this House will not give its assent to such a measure, and that it will not lend itself to destroy the only free part of the constitution of Jamaica.

Mr. SHEIL. — I think the question between both parties reduces itself to this, — is it necessary to do more than pass the second clause? What is admitted by the Right Honourable and Learned Gentleman to whom the opposition is intrusted by the party to which he belongs? That Right Honourable and Learned Gentleman admits that the second clause is indispensable — that some interposition with the House of Assembly is absolutely necessary. That, then, being conceded by the Right Honourable and Learned Gentleman, let us see to what results that concession must lead. The Right Honourable and Learned Gentleman, by admitting the necessity for the second clause, confesses that interference on the part of the Imperial Parliament is indispensable. Then the Right Honourable and Learned Gentleman says that old laws must be revived; and he has also condemned the conduct of the House of Assembly. In commenting upon that conduct, he has pronounced an unequivocal censure. Now, if the second clause be necessary, it is worth while to ask if the first clause be not equally necessary? The case made is, that old laws must be revived, but that new laws are not necessary. How is that point to be decided by the House? We have, to be sure, heard the opinion of the Honourable and Learned Gentleman. That opinion would be entitled to the greatest respect if it were pronounced from the bench. But such is not the case, for the Right Honourable and Learned Gentleman appears here in his ultra-forensic capacity. When the Right Honourable and Learned Gentleman does not appear as a judge, but when he appears — he will excuse me for saying so — as a partisan, I am not disposed to attach that importance to the Right Honourable and Learned Gentleman's opinion on matters, which, in another and a better place ——

[Laughter.]

I should be disposed at once to concede to them. I have marked in one respect the conduct of the Right Honourable and Learned Gentleman, who began his speech at five o'clock by a denunciation of the Prisons Bill. When I heard the Prisons Bill denounced by the Right Honourable and Learned Gentleman, I could not help asking myself what course the Right Honourable and Learned Gentleman had taken upon the Prisons Bill. He has, indeed, this night, said that it infringed on the rights of the Assembly, and that it was an invasion of the principles upon which the colonial Assembly rests and is founded. Did the Right Honourable and Learned Gentleman oppose the Prisons Bill at the time that it was proposed? Was not that Bill stronger, far, in its interference with the colony, than any measure that is now before the House? And was it not passed, not only

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without objection, but almost without a comment, in either House of Parliament? Mr. Burge, the agent of the House of Assembly, protested against it. He laid his protest on the table of this and of the other House of Parliament. Still, not one word was uttered against that Bill which invaded the rights of the colonial Legislature far beyond anything that has since been proposed by the Government in either House of Parliament! If, then, you did not object to the Prisons Bill, what is the reason that you now object to a Bill founded upon the same principle on which the Prisons Bill rested? But the Right Honourable and Learned Gentleman has put the whole of the case upon the second clause; — he admits its necessity. He says that it is indispensable to revive old laws that are on the point of expiration, because the colony requires it.

SIR EDWARD SUGDEN. — No!

Mr. SHELL. — The Right Honourable and Learned Gentleman says "No." Why, the second clause is admitted with some modifications. You admit that old laws, which are on the point of expiring, are to be revived if the Assembly agree to revive them. This, at least, is conceded. Then, if you admit this, cannot you conceive that the enactment of new laws to meet a new state of things may also be necessary. The cardinal point — the hinge upon which the whole case turns — is this; — are new laws required? And here I must do the Right Honourable and Learned Gentleman the justice to admit that he said, "Prove to me that the Bills referred to in the first clause are required, and I will at once accede to the clause." But how is that to be decided? How are we to determine whether those laws are necessary, or not? Why, by an appeal to the proceedings of the House of Assembly itself. The Assembly has distinctly, and solemnly, and unequivocably declared that Bills are required to determine between masters and servants upon the subject of the Vagrant Act; and other measures, too, are referred to in this Bill, which the Government have brought in. The Assembly, then, have admitted that new laws are required, and upon that admission the whole case of the necessity of interference by Act of Parliament rests. Will the House permit me to read the words of the House of Assembly? They say, "We feel, in common with your Excellency, the emergency in which the country is placed by the expiration of the annual laws, and are well aware of the necessity which the present state of society imposes, of laws for the prevention of vagrancy, for the regulation of the relative duties of servants and masters, to determine the qualification of electors, to regulate the militia, and to prevent the occupation of lands, — being enacted." The House, then, will be aware — which at present they do not seem to be — that the Jamaica House of Assembly has declared that those Acts which are mentioned in the first clause of this Bill are required to be enacted. I would ask, then, if the opinion of the House of Assembly, itself, is not to be preferred to the judgment of the Honourable and Learned Gentleman who opposes this clause? Under these circumstances, I think the House must perceive that it would neglect its duty if it did not pass this Bill, or some Bill of the same kind.

The committee then divided: — Ayes 228; Noes 194; — Majority 34.

AYES.

Adam, Admiral	Chapman, Sir M. L. C.
Aglionby, H. A.	Chester, H.
Aglionby, Major	Chetwynd, Major
Ainsworth, P.	Chichester, J. P. B.
Alcock, T.	Clay, W.
Alston, R.	Clements, Lord Visct.
Andover, Lord Visct.	Codrington, Admiral
Archbold, R.	Collier, J.
Attwood, T.	Collins, W.
Baines, E.	Cowper, Hon. W. F.
Baring, F. T.	Craig, W. G.
Barnard, E. G.	Crawford, W.
Barron, H. W.	Crompton, Sir S.
Barry, G. S.	Curry, Mr. Serjeant
Beamish, F. B.	Dalmeny, Lord
Bellew, R. M.	Dashwood, G. H.
Berkeley, Hon. H.	Davies, Colonel
Berkeley, Hon. G.	D'Eyncourt, Rt. Hon. C. T.
Bewes, T.	Donkin, Sir R. S.
Blackett, C.	Duke, Sir J.
Blake, M. J.	Dundas, C. W. D.
Blake, W. J.	Dundas, F.
Blunt, Sir C.	Dundas, Hon. J. C.
Bodkin, J. J.	Dundas, Sir R.
Bowes, J.	Elliot, Hon. J. E.
Brabazon, Sir W.	Ellice, Rt. Hon. E.
Bridgeman, H.	Ellice, E.
Briscoe, J. I.	Ellis, W.
Brocklehurst, J.	Erle, W.
Brodie, W. B.	Euston, Earl of
Brotherton, J.	Evans, G.
Browne, R. D.	Evans, W.
Bryan, G.	Ewart, W.
Bulwer, Sir L.	Fazakerley, J. N.
Byng, G.	Ferguson, Sir R. A.
Byng, Rt. Hon. G. S.	Finch, F.
Callaghan, D.	FitzGibbon, Hon. Col.
Campbell, Sir J.	Fitzroy, Lord C.
Cave, R. O.	Fleetwood, Sir P. H.
Cavendish, Hon. C.	Fort, J.
Cavendish, Hon. G. H.	French, F.
Cayley, E. S.	Gillon, W. D.
Chalmers, P.	

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Gordon, R.
Grattan, H.
Grey, Rt. Hon. Sir C.
Grey, Rt. Hon. Sir G.
Grosvenor, Lord R.
Guest, J. J.
Harland, W. C.
Hastie, A.
Hawes, B.
Hawkins, J. H.
Hayter, W. G.
Heathcoat, J.
Heathcote, G. J.
Hector, C. J.
Hill, Lord A. M. C.
Hobhouse, Right Hon. Sir J.
Hobhouse, T. B.
Hodges, T. L.
Hollond, R.
Horsman, E.
Hoskins, K.
Howard, F. J.
Howard, P. H.
Howick, Lord Visct.
Humphery, J.
Hurst, R. H.
Hutt, W.
Hutton, R.
Ingham, R.
James, W.
Kinnaird, Hon. A. F.
Labouchere, Rt. Hn. H.
Langdale, Hon. C.
Lemon, Sir C.
Lister, E. C.
Loch, J.
Lushington, C.
Lushington, Rt. Hn. S.
Lynch, A. H.
Macaulay, T. B.
Macleod, R.
Macnamara, Major
M'Taggart, J.
Marshall, W.
Marsland, H.
Martin, J.
Martin, T. B.
Maule, Hon. F.
Melgund, Lord Visct.
Mildmay, P. St. John
Moreton, Hon. A. H.
Morpeth, Lord Visct.
Morris, D.
Murray, A.
Muskett, G. A.
Nagle, Sir R.
Norreys, Sir D. J.
O'Callaghan, Hon. C.
O'Connell, D.
O'Connell, John
O'Connell, M. J.
O'Connell, Morgan
O'Conor Don
O'Ferrall, R. M.
Ord, W.
Paget, F.
Palmer, C. F.
Parker, J. (Sheff.)
Parnell, Right Hon. Sir H.
Parrott, J.
Pechell, Captain
Pendarves, E. W. W.
Philipps, Sir R.
Philips, M.
Phillips, G. R.
Pigot, D. R.
Pinney, W.
Power, James
Pryme, G.
Redington, T. N.
Rice, E. R.
Rice, Rt. Hon. T. S.
Roche, E. B.
Roche, W.
Roche, Sir D.
Rolfe, Sir R. M.
Rundle, J.
Russell, Lord J.
Russell, Lord
Russell, Lord C.
Rutherfurd, Rt. Hn. A.
Salwey, Colonel
Sanford, E. A.
Scholefield, J.
Seale, Sir J. H.
Seymour, Lord
Sharpe, General
Sheil, R. L.
Slaney, R. A.
Smith, B.
Smith, G. R.
Smith, R. V.
Somerville, Sir W. M.
Speirs, A.
Spencer, Hon. F.
Stanley, W. O.
Stansfield, W. R. C.
Staunton, Sir G. T.
Stock, Dr.
Strangways, Hon. J.
Strickland, Sir G.
Strutt, E.
Style, Sir C.
Tancred, H. W.
Thomson, Rt. Hon. C. P.
Thornely, T.
Tollemache, F. J.
Townley, R. G.
Troubridge, Sir E. T.
Vigors, N. A.
Villiers, Hon. C. P.
Vivian, J. H.
Vivian, Rt. Hon. Sir R. H.
Wakley, T.
Walker, R.
Wallace, R.
Warburton, H.
Ward, H. G.
Westenra, Hon. H. R.
White, A.
White, S.
Williams, W.
Williams, W. A.
Wilmot, Sir J. E.
Wilshere, W.
Winnington, T. E.
Winnington, H. J.
Wood, C.
Wood, G. W.
Worsley, Lord
Wrightson, W. B.
Wyse, T.
Yates, J. A.

Tellers.
Stanley, E. J.
Steuart, R.

NOES.

Acland, T. D.
Adare, Lord Viscount
Arbuthnott, Hon. H.
Ashley, Lord
Bagge, W.
Bailey, J.
Bailey, J. jun.
Baillie, Colonel
Baker, E.
Baring, H. B.
Baring, Hon. W. B.
Barneby, J.
Barrington, Lord Vt.
Bateson, Sir R.
Bell, M.
Bethell, R.
Blackstone, W. S.
Blair, J.
Blakemore, R.
Blennerhassett, A.
Bradshaw, J.
Bramston, T. W.
Broadley, H.
Brownrigg, S.
Buck, L. W.
Buller, Sir J. Y.
Burroughes, H. N.
Calcraft, J. H.
Canning, Rt. Hn. Sir S.
Cantalupe, Lord
Chapman, A.
Christopher, R. A.
Clive, Hon. R. H.
Codrington, C. W.
Cole, Hon. A. H.
Cole, Lord Viscount
Colquhoun, J. C.
Compton, H. C.
Coote, Sir C. H.
Corry, Hon. H.
Courtenay, P.
Dalrymple, Sir A.
Damer, Hon. D.
Darby, G.
Darlington, Earl of
Davenport, J.
De Horsey, S. H.
Dowdeswell, W.
Dugdale, W. S.
Duncombe, Hon. W.
Duncombe, Hon. A.
Du Pre, G.
Eastnor, Lord Visct.
Egerton, W. T.
Egerton, Sir P.
Ellis, J.
Estcourt, T. (Devizes)
Farrand, R.
Feilden, W.
Fellowes, E.
Fleming, John
Foley, E. T.
Freshfield, J. W.
Gaskell, J. M.
Glynne, Sir S. R.
Goddard, A.
Godson, R.
Gordon, Hon. Captain
Goulburn, Rt. Hon. H.
Graham, Rt. Hn. Sir J.
Grant, F. W.
Greene, T.
Grimsditch, T.
Grimston, Lord Visct.
Grimston, Hon. E. H.
Hale, R. B.
Halford, H.
Harcourt, G. S.
Hardinge, Right Hon. Sir H.
Hayes, Sir E.
Heneage, G. W.
Henniker, Lord
Hepburn, Sir T. B.
Herries, Rt. Hon. J. C.
Hill, Sir R.
Hillsborough, Earl of
Hinde, J. H.
Hodgson, F.
Hodgson, R.
Hogg, J. W.
Holmes, Hon. W. A'C.
Hope, Hon. C.
Hope, H. T.
Hope, G. W.
Hotham, Lord
Hughes, W. B.
Hurt, F.
Irton, S.
Jackson, Mr. Serjeant
James, Sir W. C.
Jenkins, Sir R.
Jermyn, Earl
Johnstone, H.
Jones, W.
Kemble, H.
Kilburne, Ld. Visct.
Knatchbull, Rt. Hon. Sir E.
Knight, H. G.
Knightley, Sir C.
Knox, Hon. T.
Law, Hon. C. E.
Lefroy, Rt. Hon. T.
Liddell, Hon. H. T.
Lincoln, Earl of
Litton, E.
Lockhart, A. M.
Long, W.
Lowther, Hon. Colonel
Lucas, E.
Lygon, Hon. General
Mackenzie, T.
Mahon, Lord Viscount
Marton, G.
Master, T. W. C.
Maunsell, T. P.
Meynell, Captain
Miles, W.
Miles, P. W. S.
Miller, W. H.
Mordaunt, Sir J.
Neeld, Joseph
Neeld, John
Nicholl, J.
Norreys, Lord
Owen, Sir J.
Packe, C. W.
Pakington, J. S.
Palmer, G.
Parker, R. T.
Peel, Rt. Hon. Sir R.
Peel, J.
Pemberton, T.
Pigot, R.
Planta, Rt. Hon. J.
Plumptre, J. P.
Polhill, F.
Pollen, Sir J. W.
Pollock, Sir F.

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Powell, Colonel	Stormont, Lord Visct.
Praed, W. T.	Sturt, H. C.
Pringle, A.	Teignmouth, Lord
Pusey, P.	Tennent, J. E.
Rae, Rt. Hon. Sir W.	Thomas, Colonel H.
Richards, R.	Thornhill, G.
Rickford, W.	Trench, Sir F.
Ralleston, L.	Vere, Sir C. B.
Round, C. G.	Vernon, G. H.
Round, J.	Villiers, Lord Visct.
Rushbrooke, Colonel	Vivian, J. E.
Sandon, Lord Viscount	Waddington, H. S.
Scarlett, Hon. J. Y.	Walsh, Sir J.
Shaw, Rt. Hon. F.	Whitmore, T. C.
Sheppard, T.	Wodehouse, E.
Shirley, E. J.	Wood, Colonel T.
Sibthorp, Colonel	Wood, T.
Sinclair, Sir G.	Wyndham, W.
Smith, A.	Wynn, Rt. Hon. C. W.
Smyth, Sir G. H.	Wynn, Sir W. W.
Somerset, Lord Granville	Young, Sir W.
Spry, Sir S. T.	*Tellers.*
Stanley, E.	Clerk, Sir G.
Stanley, Lord	Fremantle, Sir T.
Stewart, John	

Clause, as amended, ordered to stand part of the Bill.

The remaining clauses of the Bill, and the preamble, were then severally put, and agreed to; the House resumed; Bill to be reported to-morrow.

SUPREME COURTS (SCOTLAND) BILL.

Upon the motion of Mr. FOX MAULE, — Order for the further consideration of Report, read.

Upon the question being proposed, "That the amendments made by the committee to the Bill be now read a second time," —

Mr. WALLACE said: — I intend, Sir, to take the sense of the House against the further proceeding with this Bill. I am aware that it has been debated during its previous stages; but it is equally true that it has met with great disapprobation throughout the whole of Scotland, especially as regards the proposed increase in the salaries of the judges. I am aware that any statement I might offer at this late hour of the night would receive but little attention; I, therefore, conceive that I am best performing my duty by at once moving, as an amendment, "To leave out from the words 'That the' to the end of the question, in order to add the words 'Report be taken into further consideration upon this day six months,' instead thereof."

Question proposed, —"That the words proposed to be left out stand part of the question."

Mr. FOX MAULE. — I cannot suppose that the Honourable Member really intends to take the sense of the House upon his amendment, but I infer that he has proposed it merely as a sort of *salvo* to his conscience. I can see no difficulty that the House can have, after the very full consideration which has been given to the Bill in committee, in receiving this Report; and I have no doubt that, if the Honourable Member persist in calling for a division, he will stand alone.

Mr. WALLACE. — I fear that I shall not have all that support which I think I have a right to expect; therefore, I will not trouble the House with a division on this occasion. I shall, however, most certainly divide against the third reading.

The amendment was then, by leave, withdrawn; main question put, and agreed to: amendments read a second time, and agreed to; clause added; amendments made; Bill to be read a third time on Friday; Bill, as amended, to be printed.

METROPOLIS POLICE BILL.

On the motion of Mr. FOX MAULE, — the Order of the Day for committee, read.

On the question being put, "That Mr. Speaker do now leave the chair," —

COLONEL SIBTHORP said: — I thought it was understood that this very objectionable Bill was not to be brought forward at a late hour of the evening.

Mr. FOX MAULE. — It is proposed to strike out all those clauses which have reference to the city police.

COLONEL SIBTHORP. — This Bill is, from beginning to end, a Ministerial trick. The Noble Lord intended to take the whole arrangement and patronage of the country into his own hands; but he has found a fatal difficulty with regard to the city of London. The Honourable Baronet opposite said to the Noble Lord, "If you do this, you will lose a certain number of votes, and you must take the consequence." This was quite enough for the Noble Lord; he knew the weakness of his Government, and he was

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obliged to succumb. He thought it better to lose a part of the patronage, than the whole; and, accordingly, those clauses which relate to the city of London are now to be abandoned. Sir, it is my intention to move, if this Bill proceeds, that the pay of that efficient body, the metropolitan police, be increased, and that proportionate reductions be made in the salaries of that most inefficient body, her Majesty's Government. But the motion I shall now make is, "That the House resolve itself into committee on this Bill on this day six months," and upon that question I shall take a division.

The SPEAKER. — Who seconds the amendment?

The amendment not being seconded, the original question was put, and agreed to. House resolved itself into committee.

Mr. FOX MAULE. — I think it right to observe that the first ten clauses of the Bill have reference entirely to that portion of the police who are under the control, not of the Metropolitan Police Commissioners, but of the body who have the controlling power over the police of the city of London. This part of the measure having been considered by a committee of the House, I am happy to say that the Members forming that committee, although of all shades of politics, have come almost to a unanimous decision in favour of the opinion which has been so strongly expressed, that the control over the police, in the city of London, ought to be left in the hands of those who now exercise that power. They are convinced that a good and efficient police would be kept up under their superintendence. I shall, therefore, now move that, with the exception of the enacting words of the first clause, the clauses from 1. to 10. inclusive be struck out.

Upon the question being put,—

COLONEL SIBTHORP said: — Although I had not the honour to obtain a seconder to my amendment, I may be allowed to ask the Honourable Gentleman for some reason why these ten clauses should, at one swoop, be thus omitted from the Bill. I know of none; unless it be that the Government are compelled to give up a part of their patronage, to prevent their losing the whole. I think, considering the duties of the metropolitan police force, that they are exceedingly ill paid; and at some future stage of the Bill I shall call the attention of the House to that part of the subject.

COLONEL WOOD. — I beg to remind the Noble Lord that the constables of Westminster at present derive a great part of their powers under the 42d George III. Now, as this Bill will altogether annihilate that species of force, I would suggest that a clause should be introduced to empower the police constables to do all those acts which the Westminster constables are required to perform.

Clauses 1. to 10. were then struck out.

Clause 11. As to extension of districts in which the Bill shall be applied.

On this clause being proposed,—

COLONEL WOOD said: — I do not see why there should be a greater power given in this Bill than that contained in the present Police Act. There are many parishes near London, which will now come within the operation of this measure, that are not included within the limits of the present Police Act.

Mr. FOX MAULE. — I am sure that the power which this Bill gives, in this respect, will be most acceptable to those parishes which may be affected by it; and I believe I am correct when I say, that it is only because facilities for that purpose did not present themselves at the time, that those parishes were not included in the existing Act.

Mr. GOULBURN. — The object now is, to extend the limit from 12 to 15 miles; that is, in point of fact, to introduce a rural police in those parishes which are within 15 miles of London. Then, again, by confining the limit to exactly 15 miles, you will charge parishes with the expense of this police, which will derive little or no benefit from it.

Mr. FOX MAULE. — I think it will be found that this extension of the limit will be of great advantage to the rural districts near London.

SIR E. KNATCHBULL. — That argument would be good to extend the police throughout the whole of England. In that case we had better establish a rural police at once.

SIR ROBERT PEEL. — It appears to be supposed that the limit of the present police district is 12 miles from some point in the metropolis. Now, as I understand the matter, the limit is this; — that the

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whole of any parish, any part of which is within 12 miles from that given point, may be included. The Act says that, "Whereas it may be necessary to extend this law to other places; it shall be lawful for his Majesty, with the consent of the Privy Council, to order any parish in Middlesex, Essex, Kent, or Surrey, any part of which may be within 12 miles from Charing Cross, to be included within the operation of this Act." But the present clause does not enable you to include the whole of a parish, a part of which may be within 15 miles from the metropolis; but you confine your limits, in all cases, to a circuit of 15 miles. This is very different from the existing Act; and the consequence would be, that you would have to levy a police rate in that part of a parish which was within the 15 miles, to which some other portion of it, that was beyond that distance, would not be liable. Thus the different parts of the same parish would be subject to distinct police rates.

COLONEL WOOD.—I hope this matter will be taken into careful consideration. If the limit be extended, I hope the principle of the present Act will be adhered to; that is, that any parish, a part of which may be within the 15 miles, shall be wholly included in the police district. If this Bill were to pass in its present shape, the effect would be to cut every parish situated at the further end of the limit into two: one portion would be within the police regulations of the metropolis; while the other would be under the local jurisdiction, and subject to separate rating.

LORD J. RUSSELL. — It is possible that there might be some inconvenience in such a case as that stated by the Honourable and Gallant Member. I can imagine that, where one part of a parish is within 11 or 12 miles, and another portion of it 16 or 18 from the metropolis, it might not be convenient to divide it for the purpose of bringing one portion of it within the jurisdiction of the police commissioners. I shall have no objection to take this matter into consideration.

Clause accordingly postponed.

Clauses 12. to 20. were then severally put, and agreed to, with verbal amendments.

On clause 21. being proposed, —

Mr. BROTHERTON said: — I now move, Sir, that you do report progress, and ask leave to sit again.

Question put, and agreed to. House resumed; Chairman reported progress; committee to sit again on Thursday.

BISHOPS' RESIDENCES BILL.

Considered in committee, and reported, without amendment; to be read a third time this day.

BANKRUPTS' ESTATES (SCOTLAND BILL.

Further consideration of Report deferred till Friday.

REGISTRATION OF LEASES (SCOTLAND) BILL.

Second reading deferred till Friday.

CANADA.

Debate thereupon further adjourned till Thursday.

METROPOLITAN POLICE COURTS BILL.—FACTORIES BILL.

Committees severally deferred till Monday next.

WINDSOR CASTLE STABLES, BILL.

Read a second time, and committed for Thursday.

BILLS OF EXCHANGE BILL.

Read a second time, and committed for this day.

CLERKS OF THE PEACE BILL.

Read a third time, and passed.

HIGH SHERIFFS' EXPENSES BILL.

Reported; to be read a third time on Thursday.

SUPPLY.— WAYS AND MEANS.

Committees deferred till Wednesday.

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BANKRUPTS (IRELAND) BILL.

Further consideration of Report deferred till this day.

REGISTERS OF BIRTHS, &c. BILL.

Further consideration of Report deferred till Friday.

DOUBLE AND TREBLE COSTS BILL.

Read a third time, and passed.

FRESH FRUIT TRADE.

Committee nominated : — Mr. Law Hodges, Mr. Warburton, Mr. Villiers, Sir Edward Knatchbull, Mr. Thornely, Lord Viscount Mahon, Mr. Compton Cavendish, Mr. Hutt, Major Wood, Mr. Ewart, Mr. Planta, Mr. Kinnaird, Lord Ashley, Mr. John Parker. — Power to send for persons, papers, and records; five to be the quorum. — All petitions presented this Session referred.

DRAINAGE.

Select Committee appointed, "on General Drainage:" — Mr. Handley, Sir Edward Knatchbull, Sir Hesketh Fleetwood, Mr. Heathcoat, Mr. Greene, Mr. Packe, Mr. Pusey, Mr. Lynch, Mr. William Miles, Mr. Pryme, Mr. Childers, Mr. More O'Ferrall, Mr. Bruges, Lord Worsley, Mr. Yorke. — Power to send for persons, papers, and records; five to be the quorum.

PERTH PRISON.

Committee to consider of applying a sum out of the Consolidated Fund, for converting into a prison the buildings at Perth belonging at present to Government, and formerly used as a place of confinement for French prisoners of war (the Queen's recommendation having been signified), this day.

LEAVE OF ABSENCE.

To Mr. MAHER, two months.

PAPERS, RETURNS, &c.

Public Income and Expenditure; Foreign Wine; Spirits.—Accounts (severally presented 7th June) to be printed.

Mail Coach Contracts. — Paper (presented 7th June) referred to the Select Committee on Railways.

Glass. — On the motion of Mr. HODGSON HINDE, — Return ordered, —

Of the amount of duty charged on glass; distinguishing the amount charged on flint, plate, broad, crown, bottle, and German sheet glass, in each of the years 1837 and 1838, together with the amount of drawback on each description of glass; the produce of the duties in England, Scotland, and Ireland, to be stated separately.

Adjourned at a quarter before one o'clock.

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HOUSE OF LORDS, MARTIS, 11° DIE JUNII, 1839.

APPEALS.

Sheehy *v.* Lord Muskerry. — Considered; and cause remitted, with declarations.

Gray *v.* Forbes; Brock *v.* M'Callum (or Webster).—To be heard on Thursday next.

Campbell *v.* Campbell. — Set down for hearing *ex parte*.

Dixon *v.* Dixons. — Petition of the respondents, to defend *in formâ pauperis*, read; and ordered as prayed.

HULME'S TRUSTEES ESTATE BILL.

Returned from the Commons, agreed to.

GILES'S ESTATE BILL.

Read a third time; an amendment made.

DUKE OF BUCKINGHAM AND CHANDOS'S ESTATE BILL.

Reported, without amendment; and Bill to be ingrossed.

IVANOFF'S NATURALISATION BILL.

Read a third time, and passed; and sent to the Commons.

READING CORPORATION ESTATE BILL.

Reported, with amendments; and to be ingrossed.

TRACY PEERAGE.

Committee for Privileges to meet on Tuesday next.

MELLIN'S DIVORCE BILL.

Order of the Day for the House to be put into committee, and the Lords summoned, read; House in committee accordingly, and went through the Bill, with amendments; the Report thereof to be received on Thursday next.

ALLISON'S DIVORCE BILL.

Amendments reported (according to order); and Bill to be ingrossed.

DOVER, DEAL, AND SANDWICH ROAD BILL.

Read a third time, with the amendment; Bill passed, and sent to the Commons.

LONDON AND BIRMINGHAM RAILWAY BILL.—BRIGHTON GAS BILL.

Read a third time, and passed.

PARRETT NAVIGATION BILL.

Read a third time, with the amendment; passed, and sent to the Commons.

FILTRATION COMPANY BILL. —ALMSWORTHY INCLOSURE BILL.—PATENT WHITE LEAD COMPANY BILL. — LIVERPOOL CHURCHES BILL.

Read a second time, and committed for Thursday next.

SAINT LEONARD'S AND SEDLESCOMB ROADS BILL.

Petitions in favour of,—of the Reverend Sir John Godfrey Thomas, of Bodiam, in the county of Sussex, clerk and Baronet, and Michael Clayton, of Lincoln's Inn, in the county of Middlesex, gentleman, the trustees acting in execution of the trusts of the will of the late Charles Gil-

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bert Eversfield, Esquire, deceased; and of Septimus Burton and Alfred Burton.—Read, and referred to the committee on the Bill.

NORTHERN AND EASTERN RAILWAY (No. 1.) BILL.—LONDON BRIDGE APPROACHES BILL.

Read a second time, and committed for Friday next.

EDINBURGH, LEITH, AND NEWHAVEN RAILWAY BILL.

Petition against parts of the Bill, — of the magistrates and town council of Leith. — Read, and ordered to lie on the table.

CAMBER QUAYS (PORTSMOUTH) BILL.

Reported specially from the Standing Orders Committee; and leave given to proceed with the Bill.

LEEDS AND HAREWOOD ROADS BILL.

Reported, without amendment.

POSTAGE.

The EARL of LOVELACE, the EARL of CAMPERDOWN, EARL STANHOPE, and the MARQUESS of BREADALBANE presented petitions for reduction of the rate of, — of shipowners, merchants, distillers, brewers, manufacturers, and others of Alloa; and Macduff: of the presbytery of Cupar (Fife): of gentlemen, tradesmen, farmers, and others of Middleton: of John Hawkins, woolcomber, Bradford: and of inhabitants of Lindfield; Exminster; St. George, Exeter; Uttoxeter; Kilspindie; Highwick; Arwarton; St. Pancras, Exeter; Chagford; Wyke Regis; Auchterarder; and Southtawton.—Read, and ordered to lie on the table.

EDUCATION (NATIONAL).

The BISHOP of EXETER presented petitions against the plan recommended by the Privy Council, — of inhabitants of Boldon; Tormsham; Pyworthy; Goldsbrough; Paignton; and Oakhampton.—Read, and ordered to lie on the table.

SABBATH.

LORD WROTTESLEY presented a petition for the better observance of, and for suspension of the business of the Post Office on the Sabbath, — of inhabitants of Bilston. — Read, and ordered to lie on the table.

LORD JOHN RUSSELL'S CIRCULAR.

The DUKE of BEAUFORT. — I am anxious to receive some information with regard to a circular letter that has been lately addressed by the Secretary of State for the Home Department to the lords lieutenants of certain counties, on the subject of allowing individuals to arm for the protection of property. It appears to me that the meaning of that letter is very imperfectly understood in the country; and that some explanation with reference to it is necessary. Your Lordships are probably aware that a communication has been made by a body denominating themselves "The Salford Radical Association," to the lord lieutenant of the county, calling on him to supply them with 1200 stand of arms, in consequence of the circular to which I have alluded. An application of the same nature has also been made from Bath, stating that "certain householders, having volunteered their services for the protection of life and property, request to be furnished with arms." I have, myself, received several letters from persons who wish to arm in this manner; but I answered, Do not do anything of the kind, because, in my opinion, nothing can be worse than for bodies of men to enrol and to arm themselves, without being placed under any regular military control. Such associations are, I am convinced, calculated to do more mischief than good. I have no doubt that it never was the intention of Government to encourage assemblies of this kind; but it would seem, from these applications, that the intention of Government is misunderstood. This sort of meetings of individuals for the protection of life and property may become very dangerous, unless they be placed under efficient military control.

VISCOUNT MELBOURNE. — I entirely agree in the general principle laid down by the Noble Duke, that it is not proper or expedient for any body of men to assemble and arm themselves, unless under the control of some person bearing her Majesty's commission. But there may be occasions, when the danger is so

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great, and the necessity of providing against it so immediate, as to render a departure from that principle indispensable. With respect to the case referred to by the Noble Duke, my Noble Friend the Secretary for the Home Department, in consequence of the menacing appearance which many parts of the country assumed, deemed it necessary to transmit a circular to the lords lieutenants of certain counties where the danger seemed to be most threatening, and where the greatest apprehension prevailed. In that circular, the lords lieutenants were allowed, on their responsibility, to accept the services of any body of men whom they might think proper to be employed for the preservation of the public peace, and who, they conceived, might be intrusted with arms. Reliance was placed on their prudence in ascertaining the respectability and general good conduct of those who might be so employed. To that extent, only, did the circular of my Noble Friend go. I trust that it will not be necessary to act on it to a greater extent than it has already been acted on, and that it will not be drawn into precedent beyond the immediate occasion.

The DUKE of WELLINGTON.—I am not one of those lords lieutenants to whom the circular in question has been addressed; but I should be glad to see it, as well as any instructions which may have been issued at the same time, in order to render it efficient. Two or three things strike me on this subject, on which I wish to ask a question. I am anxious to know whether or not the Noble Viscount has adverted to the powers given to magistrates by certain Acts of the late King's reign, authorising them to swear in special constables,—whether that is the class of persons whom it is the intention of the Government to arm under the instructions given by the Secretary of State? If that be the case, I cannot understand it. I shall now ask another question. I understand that, under the Act for regulating corporations, which was passed in 1835, and was much discussed in this House, powers are given to those corporations to form a police; they are enabled to raise funds to maintain that police; and the Act to which I refer also empowers them, if necessary, to raise a body of men to keep watch and ward. Now, I wish to know whether these are the people intended to be armed, under the circular, as a constitutional safeguard? I would have your Lordships recollect that, in all corporate towns, there is a great deal of party spirit. Now, suppose that the mayor of Bath were to take it into his head to arm, in the present year, a body of men of one political opinion, and that, next year, another mayor, of another opinion, and of a different party, should arm another body; what would be the consequence? These are points worthy of consideration. I should be glad, therefore, if the Noble Viscount would allow the House to see the papers and circulars connected with the subject, in order to know what instructions lords lieutenants have been directed to give to magistrates for the purpose of carrying into effect the intentions of the Secretary of State.

VISCOUNT MELBOURNE.—I have no objection to lay upon the table the instructions that have been issued to the lords lieutenants and sheriffs of counties on the subject. As to the questions of the Noble Duke, I have no hesitation in stating that it is not the intention of the Government that the parties to whom allusion has been made should be armed. At the same time, I think it is in the power of the magistrates or the town councils to arm the inhabitants in certain cases. Unquestionably the intention of my Noble Friend (the Secretary of State) was, to permit the formation of armed associations for the protection of life and property; and that permission has been given to them, subject to the control, and under the instructions, of the deputy lieutenants and magistrates.

The DUKE of WELLINGTON.—If the mayors of boroughs authorise the arming of any bodies of men, they are responsible, not to the corporation, but to the law, for their acts. In the present case, however, no party is responsible: the present mayor of Bath may be a Chartist, and arm 1000 men; and in November next another mayor, of different politics, may place 1000 men of different political opinions under arms. Such a state of things can only be productive of the greatest mischief to life and property.

LORD ELLENBOROUGH.—I understand that two circulars have been issued: under one circular, arms were to be supplied to persons for the protection of property; whilst, under the other, the magistrates were directed to prevent persons from assembling for the purpose of military exercise. Now, it happens that, under the first circular, certain persons did procure arms, and proceeded to train themselves in their use; but those very parties who took arms under the first circular, were informed against, under the second,

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were arrested, and were called on to find bail. So much for the uniformity of the system!

LORD PORTMAN. — I beg to trouble your Lordships with one observation, in consequence of what has fallen from the Noble Duke (the Duke of Wellington). I can assure my Noble Friend that no disposition exists in Bath to take any improper advantage of the power granted by the circular. If any such disposition should appear, I need only tell the Noble Duke that the magistrates would keep a good look out, and speedily put an end to it.

BEER ACT IN PART REPEAL BILL.

The amendment in this Bill having been reported, —

LORD BROUGHAM said: — As a Noble Friend of mine (the Marquess of Salisbury), who takes a deep interest in this Bill, is now absent from town, and will be so for some days, unwillingly, I am compelled to postpone the third reading until Monday next.

LORD ELLENBOROUGH. — With reference to the Bill, I have no doubt that the Noble and Learned Lord has very good reasons for postponing it; but, at the same time, it should be recollected that the Bill has been, now, for several weeks on the table of the House, and it is most desirable that your Lordships should come to some opinion respecting it.

LORD BROUGHAM. — I can positively assure the Noble Lord that I have not contracted any of the disease of dilatoriness which infects certain constitutions, and there is not the remotest chance of my Bill being postponed — not till the year 1842, but — beyond Monday next. I do not introduce measures with the intention that they should not pass, but with the intention that they should pass.

VISCOUNT MELBOURNE. — I think it would be better if the dilatory system to which the Noble and Learned Lord adverts, were extended to the Beer Bill also. Considering the immense amount of property affected by the measure, I think the House would pursue a very hasty course in passing it without the utmost deliberation.

LORD BROUGHAM. — I differ with my Noble Friend; for, although I think it is very proper that bad Bills, when brought in, should be put off as long as possible, yet I do not think that my Beer Bill, which is not of that character, should be put off to the Greek Kalends, or — to what is now the same thing — the year 1842. My Noble Friend has talked of capital invested in these beer-shops. Why, it is stated, in the Report of the commissioners on the subject, that many of them are kept by paupers, who scarcely possess more furniture than a table, a chair, and a few broken jugs, in which they dole out their liquor. It is ridiculous to talk of the immense property involved in the consideration of the Bill. Though I am not friendly to frequent or long postponements, still, as my measure does not compromise the good government of a whole province, I think I may safely put it off till Monday.

The MARQUESS of WESTMINSTER. — As my Noble and Learned Friend has postponed the third reading of the Bill until Monday, this certainly is not the proper time to enter into any discussion. I did not mean to say one word upon the subject; but in consequence of what has just fallen from the Noble and Learned Lord, I beg confidently to state, that, generally speaking, the capital invested in a beer-shop amounts to something like 300*l*.

LORD BROUGHAM. — Then the Noble Marquess's beer-house must be of a superior description.

EARL STANHOPE. — I beg to ask if the Noble and Learned Lord would have any objection to refer the Bill to a select committee to hear evidence, before he proceeds to confiscate a large amount of property, and ruin numbers of unoffending individuals? As to the Report alluded to by my Noble and Learned Friend, it contains statements which are both false and incredible.

LORD BROUGHAM. — Why, when the Bill was referred to a select committee, did not the Noble Earl attend to make his objection? Why did he not do so when it was before a committee of the whole House? But, no; now, on the third reading, the Noble Earl wants to have witnesses called and evidence received. Why, if your Lordships sanctioned hearing evidence in this stage of a Bill, you never could get through any business. I believe that the excitement of the Noble Earl is not so much elicited by the Report which

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he has attacked, as by the name which is attached to it,—the name of Lefevre,—the name of the Speaker of the House of Commons.

EARL STANHOPE.—To assail the interests or the character of any class of our fellow citizens without hearing them, is to commit the grossest injustice. The matter of this Report, I will affirm, is not only false, but notoriously false.

LORD BROUGHAM.—The Noble Earl makes a most serious charge against the Speaker of the House of Commons, and two other gentlemen, who have merely stated what they firmly and conscientiously believe, with as much truth and sincerity as the Noble Earl, or any other Noble Lord, could possibly feel.

LORD ELLENBOROUGH.—I think that the Noble and Learned Lord, if he had read the Report, would have been of opinion, as all who have read it have hitherto been, that it contains a vast quantity of valuable information. The great objection I have to the Report is its intolerable length. It is too voluminous to be read generally by the public.

EARL STANHOPE.—I did not pretend to give an opinion upon the Report without reading it; but, having carefully perused it, I will venture to assert that it states much which is false.

The EARL of RADNOR.—The Noble Earl has said that gentlemen have put their names to a Report which is notoriously false. It is impossible for the Noble Earl to affirm that the statements of the Report are notoriously false. I should say that those statements are notoriously true, so far as my experience goes.

EARL STANHOPE.—Some isolated facts may be true; but, as a general Report, I maintain that the inferences are notoriously false.

The EARL of FALMOUTH.—I certainly do not think your Lordships are inclined to pass a measure which would inflict much injustice, without affording the parties the opportunity of opposing it. The publicans have been sacrificed by hundreds, because it was said the Beer Bill was for the good of the country. I firmly believe that there never was a more pernicious Act of Parliament passed than that Beer Bill. Much of the bad spirit which now prevails in the country originates in the beer-shops. Will your Lordships reject the alteration required, because the Noble Earl (Earl Stanhope) happens to think that a select committee is necessary? I hope another Parliament will not be allowed to pass over without your Lordships finding a remedy for this monstrous grievance.

The EARL of MALMESBURY.—I am certain that Colonel Rowan would not attach his name to any document which he did not believe to be perfectly correct. He is a distinguished officer in her Majesty's service, and has discharged his duties with the greatest credit to himself, and, consequently, with benefit to the public. Really, the Noble Earl has no right to attack gentlemen of respectability in the manner he has done.

EARL STANHOPE.—I am perfectly aware that the Report is signed by Colonel Rowan, amongst others. I have no doubt that certain facts stated in the Report are true, but general inferences are deduced from particular facts,—which I again aver are false.

The MARQUESS of LANSDOWNE.—I think it but due to my Noble Friend the Secretary of the Home Department, that I should state, what I know to be the fact,—that he made the best selection of persons he could, to carry on the inquiry; and I do not think that Noble Lord could have found three persons more fitted for the purpose, from their talents, acquaintance with facts, and unquestionable integrity. It is true that these commissioners have had reference only to particular facts in drawing inferences as to generals; but those particular facts were collected from various parts of the country, from various classes, and referring to different periods of time. I will only say that the highly respectable individuals selected to make the Report have discharged their duty satisfactorily to the Government, and, I trust, satisfactorily to Parliament.

The Bill was then ordered to be ingrossed, and to be read a third time on Monday next, and the Lords summoned.

EDUCATION (NATIONAL).

LORD BROUGHAM presented a Bill for promoting education in England and Wales.—Read a first time; to be printed, and to be read a second time on Friday, the 21st instant, and the Lords summoned.

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PRISONERS (CANADA).

LORD BROUGHAM. — I beg to give notice that I shall, on Thursday next, present a petition from certain prisoners, whose cases, for offences committed in Canada, have been discussed in the Queen's Bench and Court of Exchequer.

CORN LAWS.

VISCOUNT STRANGFORD presented a petition against alteration of, — of owners and occupiers of land, and others of Falstone. — Read, and ordered to lie on the table.

SCOTCH CHURCH.

The MARQUESS of BUTE presented a petition for the further endowment of, — of inhabitants of Tealing; Dalrymple; Killchrenan and Dalavick; and Little Dunkeld. — Read, and ordered to lie on the table.

CLERKS OF THE PEACE BILL.

Brought from the Commons; read a first time; to be printed, and to be read a second time on Thursday next.

BEER ACT IN PART REPEAL BILL.

Petitions against, — of retailers of beer situated in the East half hundred of Brixton and town and borough of Southwark; and of the beer-house keepers of Liverpool. — Read, and ordered to lie on the table.

BEER ACT.

Petition fora lteration of, — of magistrates and inhabitants of the hundred of Crickhowell. — Read, and ordered to lie on the table.

ESTABLISHED CHURCH (CANADA).

Petitions for the protection of, — of the ministers, churchwardens, and other inhabitants of Great and Little Whilnetham, Bradfield, Hawstead, and Newton; and of inhabitants of Wolverhampton. — Read, and ordered to lie on the table.

EDUCATION (NATIONAL).

Petition in favour of the plan recommended by the Privy Council, — of Baptists of Broad Street chapel, Lynn Regis. — Read, and ordered to lie on the table.

MAYNOOTH COLLEGE.

Petition against any further grant of money for the support of, — of inhabitants of the parish of Charmouth. — Read, and ordered to lie on the table.

EDUCATION (NATIONAL).

Petition against any system of education which does not secure religious instruction, — of gentry and others of Penzance. — Read, and ordered to lie on the table.

SELECT COMMITTEE ON THE STATE OF IRELAND IN RESPECT OF CRIME.

The Masters reported, "That the Commons had given leave to Sir William Somerville (a Member) to attend the committee, pursuant to message of yesterday."

The Viscount Hutchinson sworn at the table to give evidence before the committee.

PAPERS.

Treaties relative to the Netherlands and Belgium (signed at London, 19th of April, 1839). — Delivered (by command), and ordered to lie on the table.

Appendices (D) and (E) to Report on the Affairs of British North America, from the Earl of Durham, her Majesty's High Commissioner, &c. &c. &c. — Delivered (by command), and to be printed.

Adjourned.

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HOUSE OF COMMONS.

PRIVATE BUSINESS.

Carleton's Divorce Bill; Coode's Divorce Bill. — Considered in committee, and reported, without amendment.

Barton (Cambridge) Inclosure Bill. — Lords' amendments agreed to.

Manchester and Birmingham Railway Bill. — Report further considered (prints having been delivered upon Saturday, the 1st of June); amendments agreed to; clauses added; amendments made; Bill to be ingrossed.

Preston and Wyre Railway, Harbour, and Dock Bill. — Report further considered (prints having been delivered upon Friday, the 10th of May); amendments agreed to; amendments made; Bill to be ingrossed.

Birmingham Canal Bill. — Report further considered (prints having been delivered upon Thursday, the 6th of June); amendments agreed to; clause added; amendments made; Bill to be ingrossed.

Petitions in favour of the above Bill, — from the Earl of Bradford; Earl of Dartmouth; owners and proprietors of ironworks in the neighbourhood of the canal; and owners and occupiers of collieries in the neigbourhood of the canal. — To lie on the table.

Commercial (London and Blackwall) Railway Bill. — Petition from the wards of Aldgate and Portsoken, London, against. — To lie on the table: — Leave given the parties to print the said petition, at their own expense.

Deptford Pier Bill. — House informed, that the committee met this day, and, in consequence of a quorum of five members not attending, were unable to proceed to business. Under these circumstances, the parties requested the Chairman to apply to the House to revive the committee, and give them leave to sit and proceed on Thursday next, four being a quorum: — Committee revived: — Leave given the committee to sit and proceed on Thursday: — Ordered, that four be a quorum.

Petition of William Sandom (presented the 10th of June), read; motion made, and question proposed, — "That it be an instruction to the committee on the Deptford Pier Bill, that, under the circumstances of the case stated in the petition of William Sandom, the petitioners who presented a petition to this House on Friday last be permitted to be heard, by themselves, their counsel, or agents, upon their petition, bofore the said committee:" — Motion, by leave, withdrawn.

Deptford Pier Junction Railway Bill. — House informed, that the committee met this day, and, in consequence of a quorum of five members not attending, were unable to proceed to business: — Under these circumstances, the parties requested the Chairman to apply to the House to revive the committee, and give them leave to sit and proceed on Thursday next, four being a quorum: — Committee revived: — Leave given the committee to sit and proceed on Thursday: — Ordered, that four be a quorum.

Petition of William Sandom (presented the 10th of June) read; motion made, and question proposed, — "That it be an instruction to the committee on the Deptford Pier Junction Railway Bill, that, under the circumstances of the case stated in the petition of William Sandom, the petitioners who presented a petition to this House on Friday last be permitted to be heard, by themselves, their counsel, or agents, upon their petition, before the said committee:" — Motion, by leave, withdrawn.

North Midland Railway Bill. — Lords' amendments to be printed, at the expense of the parties.

Hodson's Estate Bill. — Read a second time, and committed to Mr. Wilson Patten and the North Lancaster list.

Southmolton Roads Bill. — Read a third time, and passed.

Sidmouth Improvement and Market

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Bill. — Time enlarged for committee to report till Friday, the 21st of June.

Newport Dock Bill, — "To enable the Newport Dock Company to raise a further Sum of Money."

Ship Propeller Company Bill, — "For forming and regulating a Company to be called 'The Ship Propeller Company,' and to enable the said Company to purchase certain Letters Patent."

Presented, and read a first time; to be read a second time.

Manchester and Birmingham Extension Railway (Stone and Rugby) Bill. — Power to Committee on Petitions of the Earl of Lichfield and Mr. Baxter, to report opinion and minutes of evidence from time to time.

Kingston upon Hull Docks. — Petition for Bill reported; Report referred to the Select Committee on Standing Orders.

PUBLIC BUSINESS.

MESSAGE FROM THE LORDS,

That they do request, that this House will give leave to Sir William Somerville, a Member of this House, to attend their Lordships, in order to his being examined as a witness before the select committee appointed to inquire into the state of Ireland, since the year 1835, in respect of crime and outrage, which have rendered life and property insecure in that part of the empire: —

Sir William Somerville, in his place, having consented; leave given him to attend accordingly, if he think fit: — Messengers called in, and acquainted therewith.

Also, That they have agreed to — London and Birmingham Railway Bill; Brighton Gas Bill, without amendment; Parrett Navigation Bill; Dover, Deal, and Sandwich Road Bill, with amendments.

That they have passed a Bill, intituled, "An Act for vesting certain Parts of the devised Estates of Hannah Gilpin Sharp, Widow, deceased, in Trustees, in Trust to be sold or demised for the Purposes therein mentioned."

Also, a Bill, intituled, "An Act for naturalising Nicola Ivanoff."

PAPERS, &c.

The following Returns, &c. were severally presented, and ordered to lie on the table; namely, —

Ramsgate Harbour. — Annual Account presented (by Act). — To lie on the table.

Disturbed Districts. — Copies of letter of Lord John Russell to the lords lieutenants of certain counties, suggesting the formation of associations for the protection of life and property (Address the 6th of June).

Constabulary and Police Force (Ireland). — Return of the amount of constabulary and police force employed in each county, &c. in Ireland, on the 1st day of January, 1839 (ordered the 29th of April).

British North America. — Copy of Appendices D and E to Report on the Affairs of British North America, from the Earl of Durham (by command).

Canada. — Return of names of persons imprisoned in Lower Canada, charged with treason, since the 1st of November, 1837 (Address the 27th of February).

Copy of the Report of the commissioners under an Ordinance 1 Vic. c. 7. to inquire into the losses sustained during the late rebellion (Address the 20th of February).

Jamaica. — Copy of memorial addressed to Lord Melbourne on the 30th day of May, by planters, merchants, and others (Address the 4th of June).

Railway Companies. — Account of the several amounts borrowed by the railway companies now before Parliament, in anticipation of calls of their capital stock (ordered the 9th of April). — Laid on the table.

North American Provinces. — On the motion of Mr. LABOUCHERE, Address for —

Copies or extracts of correspondence, since the 1st day of April, 1835, between the Secretary of State for the Colonies and the Governor of the British North American Provinces, respecting the Indians in those provinces.

Rivers Shannon and Erne. — On the motion of Mr. FRENCH, Copy ordered —

Of the Report made by Mr. Mulrany on the proposed junction canal between the Rivers Shannon and Erne.

Answer to Addresses for Papers (the 6th of June) reported.

CARLOW BOROUGH ELECTION.

House informed, that the committee met this morning, pursuant to their ad-

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journment of yesterday, when the Chairman received a letter from Edward Protheroe, Esquire (one of the members of the committee), informing the committee that he was disabled by a serious accident from attending, and that the committee then adjourned till to-morrow morning, at eleven o'clock.

Mr. Johnson, a medical man, was called in, and stated that Mr. Protheroe was disabled by a serious accident from attendance on the committee; and then he withdrew. Mr. Protheroe excused for non-attendance this day, and discharged from further attendance on the committee.

BUSINESS OF THE HOUSE.

Mr. SPEAKER. — Perhaps it may be convenient to the House to state that I will take the chair at three o'clock to-morrow, for the purpose of receiving public petitions.

Mr. P. THOMSON. — Perhaps the Honourable Member, who has charge of the motion respecting Haytian coffee, will forego it pending negotiations now in progress on the subject.

Mr. THORNELY. — I consent to waive the motion which stands for to-night relative to the duty on Haytian coffee, upon the assurance of my Right Honourable Friend that negotiations are in progress.

Mr. WARD. — Sir, as the motion of the Honourable Member for London, with regard to the ballot, stands for Tuesday next, I will beg to postpone my motion on colonial lands, which stood for the same day, till this day fortnight.

Mr. WARBURTON. — I hope that the Honourable Member for Southwark will, on the same grounds, postpone his motion respecting the administration of public charities.

Mr. HARVEY. — Perhaps I am not convinced that making the ballot an open question is of so much importance as the introduction of a Bill respecting the administration of public charities; but the one question is of so interesting, and the other of so dry a nature, that I despair of obtaining the attention of the House on the same day, and shall therefore defer my motion.

Mr. W. WILLIAMS. — On behalf of the Honourable Member for Kilkenny, I beg leave to postpone his motion respecting the Bank of England till this day three weeks.

Mr VILLIERS. — I also beg leave to postpone my motion regarding the timber duties from Thursday, the 20th instant, till the 7th of July.

Mr. O'CONNELL. — Sir, I wish to withdraw my motion, which stood for this night, for a Bill to enable Roman Catholics to hold the office of Lord Chancellor, and certain offices in the ecclesiastical courts in Ireland, till this day fortnight; and I shall then feel it my duty to explain the grounds upon which I found my motion, in consequence of some insane remarks that have been made in the other House of Parliament.

THE BIBLE IN SCOTLAND.

SIR J. GRAHAM. — Sir, I hope the Noble Lord opposite will not consider me pertinacious or troublesome, if I again venture to request some information from him on the subject of the expiration of the patent held by the Queen's printer in Scotland. On a former occasion, the Noble Lord told me what the Government did not intend to do. The Noble Lord stated that it was not intended to renew the patent, or to give the exclusive power of printing the Bible in Scotland to any corporate body, which might derive a profit from that exclusive privilege, and avail themselves of it to enhance the price of copies of the Scriptures. The Noble Lord said, also, that, at the same time, measures would be taken which should insure the authenticity of all copies of the Bible hereafter to be printed in Scotland. If, in order to carry this object into effect, the Noble Lord intends to proceed by a legislative measure, ample opportunity will be afforded for the discussion of its details; but I believe that an opinion is entertained that precautionary measures might be taken without the intervention of Parliament, and that Government intends to proceed *jure coronæ*. If so, I hope, as the people of Scotland regard this question with much interest, that I may be excused for saying that they would be glad if the Noble Lord would give them an outline of those precautionary measures.

LORD J. RUSSELL. — Sir, the Right Honourable Gentleman has correctly stated what I said on a former occasion, which was, that it was not intended to

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give to any individual or corporation the exclusive right of printing the Bible with a view to profit, as that might enhance the prices at which Bibles could be sold. The Right Honourable Gentleman is, I think, perfectly justified in asking me what are the precautionary measures which the Government proposes to take in order to insure the correctness of the copies which will be printed after the patent has expired. What we propose is, that the Crown shall, by charter, incorporate a certain number of persons, say five persons, who shall have the exclusive right of printing the Bible in Scotland; one of these five persons to be the moderator of the Church of Scotland, two others divines of the Church of Scotland, and the remaining two, — laymen, but members of the Scottish Church. If a larger number than five persons should be incorporated, the board will still be constituted on the same principle. It is proposed that to this board shall be granted the exclusive right of printing the Bible in Scotland, under certain conditions. One of these conditions will be, the free importation of copies of the authorised version of the Bible in England. The Board will have the power to give their *imprimatur* to any person applying to them for that purpose, but upon the condition that the copies printed shall be revised by correctors appointed by the board, who will be able to say whether or not they are correct copies of the authorised version. With this limitation, it is proposed that there should, generally, be no restriction with regard to any publishers. In case of any pirating from any former edition of the Bible, it will be competent to the board to proceed by injunction, and to prevent such unauthorised and fraudulent publications. The mode in which this authority is to be exercised is, as the Right Honourable Gentleman has stated, *jure coronæ*, in accordance with Lord Lyndhurst's well-known judgment, in which it was laid down that persons pirating an edition of the Bible are liable to proceedings by injunction. The Right Honourable Gentleman has asked me whether it is proposed to proceed by statute, in the course of the present Session, in order to carry these measures into effect? Upon this point, I have not only consulted my Learned Friend the Lord Advocate, but also the Attorney General, and they are of opinion that it will not be necessary to introduce a Bill, but that the Crown has full power and authority to make all provisions necessary for the purpose. The Right Honourable Gentleman will therefore understand that it is not intended to propose a Bill; and that the opinion entertained, at present, is that the authority of the Crown is sufficient. If the Right Honourable Gentleman requires it, I will, to-morrow or next day, furnish him, in writing, with the conditions required; but the general nature of the plan is such as I have stated it, in order not to enhance the price.

SIR J. GRAHAM.— Sir, I have to tender my acknowledgments to the Noble Lord for the courtesy and explicitness of his answer. It would be irregular for me to express any opinion upon the merits of the plan, and I shall therefore not do so. Nothing can be fairer than the Noble Lord's proposition, however, to give me in writing a detailed statement of the conditions under which the proposed privilege is to be conferred. I shall be able to communicate this to the authorities in Scotland, and I will then let the Noble Lord know whether or not it is satisfactory to them.

PETITION OF MR. SAMUEL WELLS.

Mr. W. WILLIAMS. — Sir, I wish to call the attention of the House to the fact, that some days ago I presented a petition from Mr. Samuel Wells, a barrister, relative to the financial affairs of this country, which, upon my motion, was ordered to be printed; but that has not been done.

The SPEAKER. — The Honourable Member should renew his motion to have the petition printed.

Mr. WILLIAMS. — Then, Sir, I beg to move that the petition be ordered to be printed forthwith.

SIR G. CLERK. — Sir, I do not know whether the Honourable Member for Coventry has stated if this petition is to be printed at the expense of the petitioner or the country, or any reason why the petition should be printed; nor has he intimated that it is his intention to bring forward any motion founded upon the petition. I cannot think that it would be wise for the House to order petitions of this kind to be printed at the public expense. When grievances are complained of, the House is bound to give every facility to the printing of petitions, if motions are to be founded upon them; but it cannot be proper for the House to order financial pamphlets to be printed at the expense of the public. This petition makes suggestions relative to the management of the revenue, and complains of no

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grievance. I think it would be highly improper for the House to sanction the printing of such a document. In my opinion, it ought to have been forwarded, not to the House, but to the Right Honourable Gentleman the Chancellor of the Exchequer.

Mr. W. WILLIAMS. — When I presented the petition, I distinctly said that I would call the attention of the House to the statements which it contained on Tuesday next. I believe a copy has been sent to the Chancellor of the Exchequer.

LORD J. RUSSELL. — Sir, I think the Honourable Baronet opposite (Sir G. Clerk) is perfectly right, and that there is a wide distinction to be taken between petitions complaining of actual grievances and petitions presented merely for the purpose of giving publicity to the theories of private individuals. I think it would be highly improper to order the publication of petitions which could only be considered as the speeches of individuals, who, from not being Members of Parliament, are unable to state their views and opinions personally in this House. If the petition alluded to comes under that description, it certainly would not be proper to order it to be printed at the public expense.

Mr. W. WILLIAMS. — It is not a speech, but a petition on a subject of the highest importance, and containing matter well deserving the attention of the House. It contains a vast deal of information on subjects of which most Members of this House know nothing. The motion was agreed to, and it must be printed.

Mr. P. THOMSON. — I think what the Honourable Member has just said is quite conclusive against the printing of the petition. It is, in fact, a pamphlet, and therefore not a document to be printed at the expense of the public.

LORD GRANVILLE SOMERSET. — I cannot find any mention of this affair in the "Votes," and I trust the House will not tolerate the printing of such pamphlets at the expense of the public.

Mr. J. FIELDEN. — The Honourable Member for Coventry distinctly gave notice of his intention to call the attention of the House to the petition which he presented.

The SPEAKER. — When the Honourable Member for Coventry presented the petition, he gave notice that it was his intention, on a subsequent day, to call the attention of the House to the statements which it contained. The Honourable Member then moved that the petition be printed; and to that motion the House, at the time, assented. The Committee on Petitions, however, refused to order the printing of the petition; and the question now is, whether the order of the House shall be discharged? The order, having once been made, must be complied with, unless rescinded.

SIR G. CLERK. — Sir, I beg leave, then, to move that that order be now discharged.

Mr. W. WILLIAMS. — I hope the Honourable Baronet will state some reason in justification of this motion. I believe, if the Honourable Baronet will read the petition, he will find that it relates to matters worthy of the gravest consideration, and that it contains a statement of facts founded upon Acts of Parliament. If there be anything disrespectful to the House in the petition, or anything improper, I should be glad to have it pointed out. I know Mr. Wells to be a most respectable person, who has devoted much of his time to the subject of finance; and, as I intend to call the attention of the House to the petition I have presented, I trust the Honourable Baronet will withdraw his motion.

Mr. WAKLEY. — Sir, my Honourable Friend states that this petition contains matter well worthy our consideration. The fact is, that the Honourable Baronet opposite has no intention to read the petition himself, and he is inclined to prevent every other person from reading it. I have no doubt that it contains matter worthy of the most serious consideration, for Mr. Wells has devoted much of his attention to the subject of finance.

[Laughter, and cries of "Oh!" "Question, question!"]

The House, too, has ordered the petition to be printed; and let Honourable Members consider what the effect will be, if its authority is to be set at defiance, or its orders disregarded. See what a condition we are in with respect to petitions. In this case, the House has ordered a petition to be printed; but here is a committee, placing itself above the House, and refusing to allow the order to be complied with. In my opinion, Honourable Members are not aware of the effect on the public mind of the manner in which petitions to this House are presented, and

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discussion on them restricted. The people are complaining, and justly, of the way in which their petitions are treated; and the restraints which are imposed upon Honourable Members of this House, relative to the presentation of petitions, are rendering the other House of Parliament, instead of this House, the popular branch of the Legislature. The other House of Parliament recognises popular abuses, is ever ready to attend to the complaints of the people, and to allow their petitions to be read and discussed; but, in this House, Honourable Members are not even allowed to read the petitions which are intrusted to them. If an Honourable Member attempt to read a portion of a petition in this House, or to state at any length the complaints it contains, he is instantly assailed with groans, and a noise is raised which absolutely prevents him from calmly directing his mind to the complaints of the petitioners. Is that fair to the public? or is it possible that such proceedings can have any other effect than that of lowering the House in the estimation of the country? If a Member happen to say he will read any petitions intrusted to him, he immediately finds himself addressing empty benches — no one will listen to him. I hope the resolutions of the House, relative to petitions, will be reconsidered and revised; for if they be not altered, so as to allow the complaints of the people to be fully stated, the House must fall into disrepute with the country, and the House of Lords become the popular assembly. How are petitions treated? They are laid on the table, backed by Mr. Ley, and then sent into a room where they are never more heard of; or else they go before a committee, and that committee follows the example of Mr. Ley, — few of them being printed, and nothing being done to make them public. In my opinion, every Member ought to be allowed to state fully the nature and object of the petitions which have been intrusted to him; and I hope the day will come when petitions will be discussed also.

COLONEL CONOLLY. — Why, Sir, it is evident that the Honourable Member for Finsbury is totally ignorant of the mode in which the Committee upon Petitions dispose of the petitions presented to the House. So far from obstructing the printing of petitions, or interfering with the orders of the House, the committee affords every facility to the publication of the complaints of the people. I do not think it fair to say that the committee treats petitions slightly, for every one acquainted with the subject knows that the reverse is the case. From my own experience, I am bound to say that, in my opinion, the present system is the best yet acted on; if we were to discuss petitions, it would be impossible to transact the public business.

Mr. AGLIONBY. — The House has already ordered the printing of this petition; and I am therefore of opinion that the Honourable Baronet, by the rules of the House, is bound to give notice before bringing forward a motion for discharging that order.

SIR G. CLERK. — Sir, I have not the slightest objection to withdraw my motion for the present, and to give notice for a future day, if such is the wish of the House. I do not think the Honourable Member for Cockermouth was present at the presentation of the petition; and I am perfectly sensible that if the attention of the House had been called to the petition at the time it was presented, it never would have been ordered to be printed. The reason why it escaped the attention of the House is well known. Honourable Members cannot fail to recollect the state of the House on Friday. Before hearing counsel on the Jamaica Bill the House was nearly empty, and the Members who were present were employed in conversation, as all the public business had most strangely been disposed of. It was at that time the petition was presented, and the motion for printing, actually, in consequence, escaped the notice of the House. The votes of Friday, the House will observe, contain no mention of any motion for the printing of the petition. It was not till the votes of Monday were published that I found an order for printing the petition. Now, when I look at the title of the petition, — "A Petition stating various Circumstances in our Financial Affairs and suggesting Changes in the Management thereof," — it appears to me that some mistake must have occurred respecting it. I do not mean to say that the petition contains anything improper, nor do I question in the least the respectability of the petitioner; but I must again repeat, that the document is not of that character which entitles it to be printed at the public expense. When petitions are presented, complaining of grievances, the House is always ready to give its attention to the prayer of the petitioners; and when a motion is to be founded upon a petition, there is never any unwillingness to allow it to be printed: but if the House were to allow those who are unable to obtain such publicity for their opinions as they might

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wish — if they are to allow every theorist and speculator, whether in finance, medicine, or law — to forward pamphlets to this House in the shape of petitions, and if they are to order those pamphlets to be published at the public expense, they would, in my opinion, be doing great injustice to those who have signed the 8600 petitions which have been presented during the Session, and who are the legitimate petitioners, because they complain of grievances, and ask for redress. As I said before, the petition ought to have been forwarded to the Chancellor of the Exchequer; and as I now see the Right Honourable Gentleman in his place, perhaps he will have the goodness to state whether he is of opinion that the petition is of sufficient importance to be published at the public expense?

Mr. FRESHFIELD. — Sir, I cannot allow what has fallen from the Honourable Member for Finsbury, relative to the Committee on Petitions, to pass without notice. The Honourable Member is far from being correct when he says that the petitions sent before the committee are never afterwards heard of. The committee have already presented to the House twenty-seven Reports upon petitions, each of which is of considerable bulk; and I think that the Honourable Member for Finsbury should, as a punishment for his erroneous statement, be made to read them.

Mr. A. YATES. — Sir, as one of the committee, I think it necessary to state that the committee examine, fully and with great care, all the petitions confided to them, and always order the publication of every petition which they consider important, or which they deem it necessary that the House and the public should be made acquainted with.

The CHANCELLOR of the EXCHEQUER. — Sir, as I have been so pointedly alluded to, it may be necessary I should trouble the House with a few words. A copy of this petition was certainly forwarded to me, and I ought, therefore, perhaps, to be the last person to raise any objection to its being printed. I cannot, however, help saying, that if the House were once to sanction the printing of petitions, complaining of no grievance, nor in any way bearing on our proceedings, but only offering suggestions, they would soon, in my opinion, have cause to regret such a proceeding. It is not merely the expense I object to; but such a course, if once adopted, could not fail seriously to obstruct the public business. I think there can be no difficulty in postponing the motion; but if it should be postponed, Honourable Members will do well to consider the nature of the paper before voting for its being printed.

GENERAL JOHNSON. — I understand that the order for printing the petition was made on Friday, and I cannot think it fair to move that the order be now discharged. Surely, notice of such proceeding ought to have been given.

Question put, "That the said order be discharged;" and the House divided. The numbers were — Ayes 81; Noes 23; — Majority 58.

AYES.

Ashley, Lord	Lynch, A. H.
Baines, E.	Mackinnon, W. A.
Baring, H. B.	M'Taggart, J.
Barnard, E. G.	Martin, T. B.
Barrington, Lord Vt.	Maule, Hon. F.
Bewes, T.	Miles, W.
Blake, W. J.	Morpeth, Lord Visct.
Burr, H.	Murray, A.
Campbell, Sir J.	Neeld, Joseph
Clements, Lord Visct.	Paget, F.
Cowper, Hon. W. F.	Parker, R. T.
Craig, W. G.	Pemberton, T.
Darby, G.	Pigot, D. R.
Davies, Colonel	Plumptre, J. P.
Douglas, Sir C. E.	Richards, R.
Egerton, Sir P.	Rolfe, Sir R. M.
Elliot, Hon. J. E.	Russell, Lord J.
Farnham, E. B.	Rutherfurd, Rt. Hn. A.
Ferguson, R.	Sanford, E. A.
Fleetwood, Sir P. H.	Sheppard, T.
Fremantle, Sir T.	Sinclair, Sir G.
Freshfield, J. W.	Somerset, Lord G.
Grant, F. W.	Stanley, Hon. E. J.
Grimston, Lord Visct.	Stuart, Lord J.
Hepburn, Sir T. B.	Stuart, V.
Hinde, J. H.	Stock, Dr.
Hobhouse, T. B.	Strickland, Sir G.
Hodgson, R.	Strutt, E.
Holmes, Hon. W. A'C.	Sturt, H. C.
Houstoun, G.	Style, Sir C.
Howick, Lord Visct.	Thomson, Rt. Hn. C. P.
Hutton, R.	Vere, Sir C. B.
Irving, J.	Vernon, G. H.
Johnstone, Hope	Walker, R.
Knight, H. G.	Wilbraham, G.
Labouchere, Rt. Hon. H.	Wood, T.
	Wynn, Rt. Hn. C. W.
Lascelles, Hon. W. S.	Yates, J. A.
Lemon, Sir C.	
Lister, E. C.	*Tellers.*
Litton, E.	Clerk, Sir G.
Lucas, E.	Steuart, R.
Lushington, Rt. Hon. S.	

NOES.

Aglionby, H. A.	Fielden, J.
Aglionby, Major	Hindley, C.
Boldero, H. G.	Johnson, G.
Brotherton, J.	Leader, J. T.
Duncombe, T.	Lushington, C.
Dundas, C. W. D.	Marsland, H.
Ewart, W.	O'Conor Don

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Rice, Rt. Hon. T. S.	Villiers, Hon. C. P.
Rundle, J.	Wakley, T.
Salwey, Colonel	
Scholefield, J.	*Tellers.*
Seale, Sir J. H.	Hector, C. J.
Somers, J. P.	Williams, W.
Vigors, N. A.	

Mr. WAKLEY.—Sir, the order stands discharged by the vote of the House; but I understand that the petition is already printed. Is it, then, to be withheld from Members?

The SPEAKER. — The petition is not printed, but has been partly set up.

Mr. W. WILLIAMS. —Perhaps I may be allowed to withdraw the petition altogether.

An HONOURABLE MEMBER. —The Honourable Gentleman cannot get his petition back; but he may have a copy of it, by paying the usual fees.

FACTORY ACT.

LORD ASHLEY. — I wish to ask the Honourable Member for Finsbury whether, as it is not likely there will be much chance of the attendance of the House affording him an opportunity of bringing forward his motion relating to the three Scotch witnesses examined with regard to the operation of the Factory Act, whose petition had been presented to the House, —it is his intention to postpone it? and, if so, whether he will bring it forward on a future day?

Mr. WAKLEY. — It certainly was my determination to bring forward the motion to which the Noble Lord refers; but I very much regret that there is little chance of doing so to-night with the slightest probability of success. The Honourable Member for Penryn has a motion on the paper which is likely to occupy several hours; and, more than that, I find that her Majesty's Government are determined to oppose my motion. It is, therefore, my intention to postpone the motion until this day three weeks, when I shall certainly bring it forward, and press it to a division.

Mr. F. MAULE. — Sir, I cannot allow this motion to be postponed, without protesting against the course which the Honourable Member for Finsbury has taken. His motion carries with it an attack upon a public servant; and I must say, that the thus putting it off from day to day—this being the second time it has been deferred, as it is now to be for another three weeks — is most unfair, not only to that individual, but to those who have to defend his character, and who have a considerable quantity of other business, both in and out of the House, to attend to. I have come down to the House prepared to meet the motion of my Honourable Friend, and I think it rather hard that it should be put off in this way.

Mr. WAKLEY. — Sir, the fact is, that I have not before postponed my motion at all. I fixed on a day for bringing it before the House, and lost no opportunity of doing so; but I now find that the Government are strongly opposed to it, and that they have "whipped" for it. I have no means of "whipping" in support of my motion. I can see very well what the state of the benches is at this moment; but I know equally well what it will be when the time comes for me to be called upon by the Chair. I made no attack on the character of Mr. Stewart; but if I had done so, I should not have acted worse than that individual has behaved towards three helpless men. At the same time, I beg to state that it is not my intention to spare him.

TURNPIKE TRUSTS.

Mr. MACKINNON. — Sir, it is now my duty to move for leave to bring in a Bill to alter and amend the laws regarding turnpike trusts, and to allow of unions of the same. My only desire, in doing so, is, to throw some light upon the subject, and to bring the question fairly before the House; and I hope to be able, by the statements I am about to make, to shew that the measure I now propose, in my capacity of chairman of the committee which sat on this subject, is one well worthy their attention. Sir, on that committee we have been deprived of the assistance of Lord Clive; we have also lost your own able assistance; but any inconvenience we have suffered on that account is amply counterbalanced by the satisfaction all must experience at seeing you in your present position. I believe the House is scarcely aware of the importance of the subject; and although it is a dry one, the House will be convinced that it is an important one, when I remind them that these trusts are at the present time in debt to the extent of 9,000,000*l.* sterling, and that they have no means of discharging the same. On the contrary, it is increasing

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every day, from various causes. One of the chief causes is, that those who manage the trusts, finding themselves unable to pay the interest of the debt, give bonds for that interest, thus converting the interest into principal, and, in fact, increasing their debt at the rate of compound interest. Another cause is, the establishment of railroads, of which there are now no fewer than six lines diverging from the metropolis, and extending into different parts of the country. Again, independently of those two causes, which very much increase the debts of turnpike trusts, it must also be recollected that, by the Act of George III. cap. 123., any creditor of a trust has the power of taking possession of the tolls, and dividing the produce as he thinks proper among the other creditors of the trust. It is impossible not to foresee the ruinous consequences which are likely to result from such a course. Another point of great moment, in this question, is the entire abolition of statute labour, by which these trusts have sustained a loss of not less than 200,000*l.* annually. A Bill was brought in last Session to remedy that evil; but, though it passed through this House, it did not, unfortunately, get through the other House. But I confess that there would be considerable difficulty in suggesting any remedy for the distressed state of the tolls. My Honourable Friend the Under Secretary of State brought in a Bill, in which he made an attempt to consolidate all the turnpike trusts into one, and to have them managed solely by a board in London. Although the Honourable Gentleman was supported by the whole of the interest of the Government, such was the opposition he met with that he was unable to carry his measure. I believe that the chief cause of the opposition to that Bill was the system of centralisation which he adopted. The country gentlemen of England felt averse to any plan of that kind; and they thought the power of superintendence and management ought to remain in their hands. Another cause was the arrangement which the Honourable Gentleman made, that trusts of every description should be consolidated together; and that, I thought, was the great error of his Bill. Moreover, he gave the commissioners to be appointed to carry out the measure, sitting in London, power to unite wealthy trusts with poor ones, and thus to saddle them with debts which others ought to pay. Another objection to the plan of the Honourable Gentleman was, that he left all the machinery of the old trusts without any means of subsistence; the solicitors, secretaries, clerks, and others employed by the old trusts, were left wholly unprovided for; and they of course raised such a clatter throughout the country, and made such strong appeals to Honourable Members representing places in their respective localities, that my Honourable Friend was at last compelled to throw up the Bill altogether.

Mr. FOX MAULE. — I am afraid you will be obliged to abandon yours.

Mr. MACKINNON.—I hope for better success. Now, the committee have endeavoured to meet all these objections: they propose that there should be unions, not a consolidation of turnpike trusts; and that those unions should be under the superintendence, not of a board in London, but of persons selected by the trustees, who are to have the whole management of the same. Still, it would be impossible to carry this plan into effect without allowing the Government to have a central board, but not with such powers as were contemplated by the former Bill; because, without some such central authority, the other board could not be made to act in a satisfactory manner. The Bill I wish to bring in will also have, for its object, the catching of the traffic which now runs to the railways by by roads and cross roads. The traffic on all the cross and by roads which lead to the *termini* of railways has very much increased; and my object is to give these trusts a power to transfer the toll-gates to those cross and by roads; in fact, — to use a simile which the Honourable Member for Finsbury will understand, — to make the veins of traffic arteries, and the arteries veins. I am the last man who would wish to stand forward on a question of this importance; but, as chairman of the committee which sat upon this subject, I did not feel myself justified in withdrawing from my task, until I had, at least, elicited from her Majesty's Government whether or not the commission which has been appointed was likely to lead to legislation in this matter, upon their authority? I shall, therefore, now move for leave to bring in a Bill "To provide for making Unions of Turnpike Trusts in England, and for valuing and consolidating the Bonded Debts of such Trusts."

On the question being put, —

Mr. FOX MAULE said: — Sir, I do not rise to throw any difficulty in the way of the introduction of the Bill, for I con-

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sider that the House owes to the Honourable Member a debt of gratitude for the great pains he has taken with this subject. I feel that the Honourable Gentleman opposite, as chairman of the committee to which he has alluded, could not have taken any other course than that which he has pursued; but I fear that the Honourable Member's Bill will, in the face of the commission which has been appointed, share the same fate as the Bill which I formerly introduced. My Bill had a recommendation which the Bill proposed by the Honourable Member has not, — namely, that under my Bill the Government proposed to advance a considerable sum of money for the purpose of consolidating the debts due by turnpike trusts. At present, it is impossible the Government can propose any such measure; and it was in order to get some more grave authority, — an authority on which the country gentlemen could place more reliance than on the Report of a committee, — that the Government was induced to issue a commission, consisting of the Duke of Richmond, the Marquess of Salisbury, Lord Hatherton, and Lord Eliot, to inquire into the best mode of treating this subject. It is a subject which may not, perhaps, interest many persons in this House; but in it the poorer classes are deeply concerned, because many individuals who had lent their "little all" on the security of turnpike trusts — (the best security on which to advance money at the time of lending) — are, now, absolutely in despair as to the probability of recovering one farthing of their advances. That this state of things ought to be remedied, nobody can deny. I think the efforts of the Honourable Member opposite (Mr. Mackinnon) most praiseworthy, and I am ready to consider — and give him every assistance in aid of — his measure; but, at the same time, I must say that, at this period of the Session, it is impossible to legislate successfully. Next year, the commission which has been appointed will, I think, present such a Report as that the Government may found upon it a measure which will then be fairly and fully considered by Parliament.

COLONEL WOOD. — I certainly think the House is indebted to my Honourable Friend the Member for Lymington for having elicited the statement just made by the Honourable Under Secretary. I rejoice that the Government has issued this commission, because I am of opinion that, unless Government will take up the matter, the difficulties that surround it can never be got rid of. For my own part, I see no way out of these difficulties, except by the Government taking on themselves the whole tolls, paying the debts of the trusts, and establishing one uniform rate of toll throughout the country.

Bill ordered to be brought in by Mr. MACKINNON and COLONEL RUSHBROOKE.

COURT OF EXCHEQUER.

Mr. FRESHFIELD. — Sir, I rise, in pursuance of the notice I have given, to move for a Return of the number of days the Court of Exchequer, as a court of equity, sat, for the despatch of business, for the ten years ending 1830, inclusive; showing the number of days the court sat in each term, and at the sittings after each term. A more important subject than that which the object of my motion embraces could scarcely be addressed to this assembly. The subject is no less than that of the administration of justice within these realms, — a subject which was recommended to the attention of Parliament in her Majesty's most gracious Speech from the throne at the opening of the present Session. In dealing with this question I shall necessarily be obliged to advert to a subject which has recently been discussed in another place, — I allude to the state of business in the Court of Chancery. In that discussion the Court of Exchequer was brought under notice; and, now that it is my duty to call attention to the Court of Exchequer, I fear I shall be obliged to allude incidentally to the Court of Chancery. It is scarcely necessary to remind the House that the Court of Exchequer in England has two jurisdictions, — the one a common law, and the other an equity jurisdiction; and as that court existed prior to the statute of 33 Hen. VIII., it is possessed of those jurisdictions by prescription. It is my object to show, by the Returns for which I now move, that this court, which was a good and perfect court of equity anterior to the year 1817, when Parliament began to legislate with respect to it, has deteriorated as a court of equity, though its practice has been increased as a court of common law. Before the year 1817, the court sat, daily, as a court of equity, not only through term, but also during a large portion of the sittings after term; but in that year, — with the best intentions, I do not doubt, on the part of the Legislature, — an Act was passed, — the 57 Geo. III., — by

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which the Lord Chief Baron of the Exchequer had conferred upon him power, alone, to hear and determine causes on the equity side of the court; the previous practice having been that all the judges of the court were obliged to sit together, whether as a court of equity or as a court of common law. Not only was power given by that statute to the Lord Chief Baron to sit, alone, in equity, but that he should so sit on such days as might be most convenient to himself. Now it will be found, by the Returns for which I am about to move, that, in practice, but very few days have been devoted to the equity business of the court, — because, the Lord Chief Baron's presence being required on the common law side of the court, that learned personage gives to the equity side only such time as he can afford to it; he is not bound to sit daily; and thus a very few days are appropriated to the equity jurisdiction, and those few days are entirely insufficient to the transaction of the business in equity; and hence it is that the legislation of 1817, even so far, has rendered the Court of Exchequer, as a court of equity, far less complete than it previously was. In July, 1830, the then Chancellor (Lord Lyndhurst) introduced a Bill "for the more effectual Administration of Justice in England;" and though that Bill in its provisions was not strictly applicable to the Court of Exchequer, still it contained provisions that the right of attorneys of the Court of Exchequer exclusively to practise in that court should be abolished, but that all attorneys of the superior courts in Westminster Hall should be empowered and admitted to practise in that court, on the pleas or common law side. Prior to this enactment, the pleas, or common law, side of the court had but little extent of business; but by this change the suitors lost the opportunity of transacting business on the equity side of the court, the time of the Chief Baron and the other Barons being wholly occupied on the common law side. So matters proceeded until the year 1833, when the statute 3 and 4 Will. IV. was passed, and which, in respect to this court as a court of equity, rendered it even less effective than it was before.

An HONOURABLE MEMBER. — I move that the House be counted.

House counted; and forty members not being present, —

The House was adjourned at half after seven o'clock.

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HOUSE OF COMMONS, MERCURII, 12° DIE JUNII, 1839.

COMMITTEES.

All committees to sit this day till four of the clock, during the sitting of the House.

PRIVATE BUSINESS.

Itchen Bridge and Roads Bill. — Read a third time; amendment made; Bill passed.

Glasgow and Renfrew Road Bill. — Read a third time, and passed.

Sharpe's Estate Bill. — Read a first time; to be read a second time.

Dover, Deal, and Sandwich Road Bill. — *Parrett Navigation Bill.* — Lords' amendments agreed to.

Manchester and Birmingham Extension Railway (Stone and Rugby) Bill. — Report from Select Committee on Petitions of the Earl of Lichfield and Mr. Baxter, brought up, and read. — To lie on the table, and to be printed.

The following petitions were severally presented; namely, —

Kingston upon Hull Docks.—Two petitions from Kingston upon Hull, in favour of the application for a Bill.

Portishead Pier, — Of the president of the Chamber of Commerce of Waterford, in favour of the application for a Bill.

To lie on the table.

Caledonian Canal, — From Nairn, for early completion.—Referred to the Select Committee on Caledonian Canal.

Belfast Water (No. 1.), — Of the Belfast Charitable Society, against the application for a Bill. — Referred to the Select Committee on Petitions for Private Bills.

PUBLIC BUSINESS.

PAPERS, RETURNS, &c.

The following Accounts, Copies, &c. were severally presented, and ordered to lie on the table; namely, —

Kensington Gardens Lake. — Copy of correspondence between the Commissioners of Woods and the Commissioners of Sewers, respecting supply of water to Kensington Gardens from the Bayswater stream; and Account of expenses incurred (Address 15th of August, 1838).

School of Design. — Account of expenditure for the School of Design at Somerset House, persons employed, and their salaries, &c. (ordered 14th of March).

National Debt. — Account of annuities transferred, of money paid, and of annuities granted by the Commissioners for Reduction of the National Debt, under Acts 10 Geo. IV. c. 24., and 3 Will. IV. c. 14. (ordered 23d of April).

Savings Banks. — Account of receipts and payments by the Commissioners for Reduction of the National Debt, on account of savings banks and friendly societies, stock purchased, number of deposits in savings banks, &c. (ordered 23d of April).

Rivers Shannon and Erne. — Copy of Mr. Mulrany's Report on the proposed junction canal between the Rivers Shannon and Erne (ordered 11th of June).

Printed Papers. — Further Return of copy of the record in the case of Stockdale *v.* Hansard, in the Court of Queen's Bench (ordered 31st of May). — Referred to the Select Committee on Printed Papers.

MISCELLANEOUS PETITIONS.

The following petitions were severally presented, and ordered to lie on the table; namely, —

Education, — By Mr. CHRISTOPHER, ALDERMAN COPELAND, SIR C. B. VERE, Mr. HUTT, SIR J. WALSH, Mr. A'COURT HOLMES, Mr. BURROUGHES, Mr. FLEMING, EARL JERMYN, Mr. E. VIVIAN, LORD G. LENNOX, Mr. WODEHOUSE, Mr. B. BARING, Mr. W. DUNCOMBE, CAPTAIN ALSAGER,

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Mr. Plumptre, General Sharpe, Sir E. Filmer, Mr. Bell, Mr. Chute, Mr. Maunsell, Lord Viscount Mahon, Lord Ashley, Lord Stanley, Mr. Herries, Lord C. Manners, Sir J. Y. Buller, Sir A. Dalrymple, Lord Viscount Sandon, Mr. W. Feilden, Lord Eliot, Mr. W. Patten, Mr. Litton, Mr. G. Hope, Mr. Goulburn, Mr. Darby, Lord Granville Somerset, Sir T. Fremantle, General Lygon, Lord Viscount Ingestre, Mr. Hogg, Sir C. Burrell, Colonel Sibthorp, Sir E. Knatchbull, Mr. Sanford, Mr. Miles, Sir E. Sugden, and other Honourable Members, against the proposed scheme, — from Blackheath Park; Cardiff (two petitions); Newbridge; Barby; Hebden Bridge; Addingham; Denby Dale; Hornsea, &c.; Luddenden; Thorp; Thirsk (two petitions); Patrington; Selby; Todmorden (York); Mytholmroyd; Plumstead Parva, &c.; Wroxham and Salehouse; Wicklewood; Carlton; Bunwell; Hingham; Kilbrogan; Southam and Stockton; Wootton Wawen; Beaudesert; Henley in Arden; Newbould; Bury St. Edmund's; Chester (five petitions); Tilstone; Gerrans and St. Anthony's; Philleigh; Veryan; Middlewich; Nantwich; Andover; Thruxton (two petitions); Linkenholt; Monxton; Carno; Penstrowed; Cranfield; Whitegate; Evesham; Farndon; Malpas; Wybunbury; Tattenhall; Wistaston; Snitterfield; Stratford on Avon; Alveston; Fenny Compton; Farnborough (Warwick) Barford; Kinmaston and Great Alne; Wicken; Shotteswell; Bidford; Avon Dasset; Whichford; Whitchurch (Warwick); Portsea; Lapworth; Northwich; Warmingham; Hellesden and Drayton; Horsey; Hickling; Ashwellthorpe; Neatishead; Ludham; Ranworth and Panxworth; Buckland; Brighstone; Binstead; Ventnor; St. Helen's; Ryde; West Cowes; Arreton; Bembridge; Rhayader; Davenham; Bacton; Norwich; Redenhall with Harleston; Church Broughton; Ashbourne; Measham; Mugginton; Portsmouth and Portsea; Beeston; Strelley and Billborough; Gedling, &c.; Woodbastwick; Wonersh; Pirbright; Bisley (three petitions); Albury; Stoke D'Alborne; Thorpe; Banstead; Dodington, &c.; Tirley; Kingswood; Fairford; Leckhampton; Shurdington and Badgeworth; St. Bennet Fink; Gisleham; Hanley; Bramshot; Edinburgh; Tunstall (two petitions); Credenhill; Little Stonham; Saint Botolph, Bishopsgate; Dunkirk; Corton and Gunton; Botley; Tarvin; Frodsham; Burslem (two petitions); Northwich; Church Hulme, &c.; Little Budworth; St. Andrew by the Wardrobe, and St. Ann Blackfriars; Horncastle; Kirton in Lindsey; Weaverham; Devizes; Over Peover; Sandbach; Over; Little Leigh; Lawton; Lower Peover; Lostock Gralam; St. Mary, Bredin; Hove; Preston (Sussex); Kirkgate; Caistor; Boston; Melton Mowbray; Whitchurch Canonicorum; East Dereham; Sleaford; Burton upon Trent, and Tamworth; Newton Ferrers; Staverton; Swaffham (two petitions); Coltishall; Downham; North Shields; Kettering (two petitions); Newton Bromswold; Desborough and Rowell; Stoke upon Trent; Lee; West Farleigh; Tenterden; East Sutton; Lewisham; Eythorne; Hertford; Longton; Sevenoaks; Great Yarmouth (two petitions); Ramsgate; Margate (two petitions); Barham; Lyminge; Folkestone; Merton; Norwich; Bilston (two petitions); Ashill; Attleborough; Tooting; Ettingshall Road; Wibsey; St. Faith's; Newtown (Southampton); Barnoldswick; Kirby Sigston; Christ Church Tintwistle; Wick and Abstone; Silkstone; Clayton Heights; Deynton; Great Horton; Plymouth; Sturminster Marshall; Olney; East Somerton; Penistone; Carmarthen; Clayton; Paignton; Marldon; Churchstow; North Huish; Christian Malford; Preston and Sutton; Uttoxeter (two petitions); Dorchester; Bosbury; Ashperton and Canon Frome; Tretire with Michaelchurch; How Caple and Sollershope; Bath (three petitions); Charlcombe; Stonehouse (Gloucester); Kingston upon Hull (two petitions); Walcot; Street: Saham Toney; Buckden; Overton Waterville; Stanground; St. Ives (Huntingdon); Goodrich; Twyford (Southampton); Sproxton and Saltby; Farcet; Chisterton and Haddon; Blyth; Leighton Bromswold; Howdon Ville: Scarborough; Overton Longueville; Winchester; Old Newton; Coleshill; Watton; Burton upon Trent; Newton (Norfolk); Sherborne St. John; Blithfield; Kirby Moorside; Nun Eaton; Thirne and Newton-le-Willows; Slapton; Moor Monkton, &c.; Acomb; Copmanthorpe and Dringhouses; Dewsbury Moor; Snape; Cowesby, &c.; Haxby; Fulford and Naburn; Wadworth; Marsden; Lyndhurst; Kirby Misperton; Breamore; Flaxton, &c.; Cornwood, &c.; Revelstoke; Teignmouth; Buckfastleigh; Devonport; Sturminster Newton Castle; Winterton; Great Wigston; Christchurch (Southampton); Stalbridge; Abbots Bromley; Low Moor; Minesteed; Rugby; Hasilbury Bryan; Goadby Marwood; Swindon; Moreton; East Stoke and East

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Holme; Standon; Minterne Magna; Dunchurch; St. Stephen, Coleman Street, London; Holbeck; Denton; Headingley; Beeston; Harewood; Stevenage; Leeds (two petitions); Hunslet; St. Helen, London; Wellington (Somerset); Rushall; Hougham, &c.; Canwick; Wiveliscombe; Sandgate; Hythe; Wolverhampton (four petitions); Coston; Woolsthorpe; Bushbury; Smethwick; Harborne; Minchinhampton; Nailsworth; Amberley (two petitions); Llanfairesgaer; Milton next Sittingbourne; Lynsted; Minster; Rodmersham; Hartlip; Kennington (Kent); Kone in Osceny; Elham and Stelling; Cottingham; Cossington; New Shoreham; Thurcaston cum Cropston; Llanbedr; Festiniog and Maentwrog; Llangar; Tillington; Bewdley and Wribbenhall; Stainland; Llandderfel; Carnarvon; Barmouth; Haughton; Dolgelley (two petitions); Newton Heath; Irlams-o'-th'-Height; Ripponden; Openshaw; Rusholme; Summerseat; Droylesden; Meole Brace; Bury (Lancaster); John Benjamin M'Crea; Camelford; Ratcliffe Close; Harpurhey; Radcliffe Bridge; Quainton, &c.; Worsley (two petitions); Langley; Bollington; Knutsford (two petitions); Swinton; Padbury; Maids Moreton; Hillesden; Buckingham; Cheetham Hill; Middleton (Lancaster); Twyford (Buckingham); Macclesfield; Swinton; Blackley; Pendleton; Bagslate; Astley and Tyldesley; Davyhulme; Walkden Moor; Chorlton with Hardy; Rochdale; Littleborough; Quorndon; Challock; Old Dalby; Woodhouse and Woodhouse Eaves; Archdeaconry and Peculiars of Stafford; Cirencester; Stapleford; Willesley; Little Wakering; Loughton; Dovor; Churwell; Hatfield Broad Oak; Southchurch; South Shoebury; Barling; North Shoebury; Barnsley; Great Wakering; Ellesmere; Gildersome; Sutton and Shopland; Hartford and Weaverham; Letton; Cockerham and Forton; Winforton; Mitton; Lostock and Plumley; Holmes; Middlewich; Gomersal; Sowerby Bridge; Morley; Birstal; Batley; Hightown; Greetland; Manchester (twelve petitions); Salford (two petitions); Garston; Barton (Lancaster); Oldham; Booth Town; Eccles; Farnworth and Kearsley; Stratford Bow; Cambridge; Withington; Leigh (two petitions); Hulme; Hinxton; Hollingwood; Wavertree (two petitions); Ynys Cynhaiarn; Oakington cum Westwick; Chelsea; Liverpool (three petitions); Audley; Osmington; Histon; Garston; Addingham; Paradise; Newcastle upon Tyne (three petitions); Heaton Norris; Gateshead; Cleeve Prior; Llanystundwy and Criccieth; Castle Cary; Girvan; Ottringham; Sherburn; Old Windsor; Mountmellick; Crondall; Kingsclere; Hawkley; Sawley; South Stainley; Stainton; Maltby; Thames Ditton; Kirby in Ashfield; Hanilid, &c.; Caerau; Peterstone and Michaelstone super Ely; St. George and St. Bride's super Ely; Merthyr Tidfil; archdeaconry of Bath; Neath; St. Fagan's; Weston; Llantrithyd; Penarth and Lavernock; Carlton in Lindrie; Shinfield; Corton Denham; Michaelston-le-Pit; deaneries of Lewes and Pevensey; Lysworney and Nash; Eglwysilan; Shepperton; Llandogo; Winksbey; Shire Newton; Tintern Parva; St. Arvan's; Ifton; Michaelstone; Bishops Stortford; Nafferton; Landapley; West Haddon; Newton Valence; Rumney; Hartley Wespall; Lantwit Major, &c.; and Budbrooke.

Education, — By Mr. FECTOR, — from Maidstone, against the altered plan proposed relative to national education.

By Mr. PHILLPOTTS, Mr. LUSHINGTON, SIR C. STYLE, Mr. BAINES, Mr. ERLE, Mr. C. DUNDAS, Mr. WYSE, Mr. F. MAULE, and Mr. P. HOWARD, in favour of the proposed scheme, — from Macduff; Holywell; Scarborough; Oxford (three petitions); Carlisle; Coate; Southampton; Gloucester (two petitions); George Beacon; Sheffield; and Warminster.

Postage, — By Mr. EASTHOPE, Mr. HOGG, SIR R. FERGUSON, Mr. SANFORD, Mr. MILES, LORD KILBURNE, Mr. WYSE, Mr. LITTON, LORD ANDOVER, Mr. PATTISON, Mr. CRESSWELL, Mr. G. HOPE, Mr. WALLACE, SIR J. Y. BULLER, Mr. HUTT, Mr. P. HOWARD, SIR J. TYRELL, LORD ELIOT, Mr. HAWES, and other Honourable Members, for a low and uniform rate, — from Jersey; Coleraine; Inverkeithing; Belfast; Liverpool (two petitions); Beaconsfield; Carlisle (four petitions); St. Austell; Hull; Wokingham; Stafford; Bewdley; Dunfermline (David Lawrie, D. G.); Malmesbury; Elphin; Killruan; Crewe; Farisent (two petitions); Wyke Regis; Auchterarder; Chilton union (chairman); Waterford; Runcorn; Charles Tully; Narborough; Metropolis; Aberbrothwick; John Hawkins; London; Hertford; hundred of South Greenhoe (Norfolk); Paddington (five petitions); Lochmaben; Hertford union; Bishopsgate Street, &c.; Ludlow; Annandale; Leicester; Copdock; Romsey; Chard; North Nibley; Compton (Sussex); Sutton union; Kilmuir; Stoke upon Trent; Bruton; Wrington; Oakhill; Leamington

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Spa; Wootton Bridge; Brighstone; Torquay; Salcombe (two petitions); Montrose; Tynemouth; Middleham; Uttoxeter; Dennington, &c.; Chigwell; Greenock; Avondale; Dublin; Conway (mayor and bailiffs); Beverley; Cummersdale; Swaffham; Londonderry: persons employed in or connected with the establishments of Messrs. Chamberlain, Milk Street, London; Messrs. Ruston, Bread Street, Cheapside; Hardwick and Ford, Holborn; Thomas Poppy, High Holborn; M'Alpin and Nephew, Bread Street; Allin and Shepperson, Cheapside; Burbidge and Co., Bread Street; Oldroyd and Magrath, Bread Street; James and Robinson, Great Trinity Lane; Mr. Howitt, High Holborn; Messrs. Mew and Burgess, Holborn; Nalders and Co., Cheapside; Hall, Brothers, London Wall; Richard Loader, Finsbury; Maudslay and Co., Lambeth; Charles Adlard; F. H. Ridley, St. Paul's Churchyard; Messrs. Collard, Cheapside; Susannah Cocks, Snow Hill; Robert Thomas Jackson, Hackney Road; Mr. John Cole, High Holborn; Esther Du Bois, Lyncombe Hill; and Thomas Joyce, Lyncombe Hill. — To lie on the table.

Maynooth College, — By the EARL of POWERSCOURT, SIR F. TRENCH, Mr. GOULBURN, and other Honourable Members, against further grant, — from Cheltenham; Knipton; members and friends of the Protestant Association; Exeter Hall, Strand; Northiam; Clare (Suffolk); Abbotts Leigh; Farnworth and Kirsley; Paisley presbytery (moderator); Scarborough (two petitions); Hinckley; Chilcompton; and, Derby.

Lord's Day, — By Mr. PLUMPTRE, for the better observance thereof, — from Morley (two petitions); Howley (two petitions); Codnor and Loscoe; Smalley (two petitions); Derby; Brailsford; Matlock (three petitions); Bilston; and St. Clement Danes, Westminster (churchwardens and overseers).

Idolatry (*India*), — From Derby, for suppression.

Copyholds Enfranchisement Bill, — By SIR E. SUGDEN and SIR J. TYRELL, against, — from lords of manors in Essex and Suffolk; Essex; and George Hoper.

Church Establishment (*Canada &c.*), — By Mr. PATTEN and Mr. PAKINGTON, for extension, — from Whalley; Axbridge, &c.; Horsley; and Brighstone.

Easter Offerings, — By Mr. EASTHOPE, — of Israel Brown, for abolition.

Dogs, — By LORD G. LENNOX, for preventing the practice of dogs drawing carts, — from Bognor; and Portsmouth.

Sale of Beer Act, — For repeal, — from Blithfield; and hundred of Crickhowell (Brecon).

Church of Scotland, — By Mr. BLAIR and Mr. F. MAULE, for extension, — from Dalrymple; Cumnock; Tealing; Glasgow; Paisley; Johnstone; Portpatrick; and Gourock.

By GENERAL SHARPE, — from Rigg and Gretna, against further endowment.

Corn Laws, — By Mr. BELL and other Honourable Members, against repeal, — from Thorneyburn, &c.; Earsdon; Stamfordham; Kirkwhelpington; Corbridge; Ovingham; Tynemouth; Wark and Simonburn; Falstone; Warden; Newburn; and Chollerton.

Queen's Printer, (*Scotland*), — By Mr. ELLIOT, — from Kelso, against the renewal of the patent for printing Bibles.

Slave Trade, — By the LORD ADVOCATE, — from the General Assembly of the Church of Scotland, for abolition.

Army, — By the LORD ADVOCATE, — of the General Assembly of the Church of Scotland, for enabling Presbyterian soldiers to participate in the service of their church.

Foreign Coffee, — By Mr. THORNELY, for reduction of duty, — from Linlithgow; Falkirk; Cupar; Kelsoe; Dunfermline; Alloa; and Boness.

Ecclesiastical Duties and Revenues Bill, — By Mr. GOULBURN, — of the Reverend Henry Morice and other clergymen, against.

Rating of Tenements Bill, — By Mr. E. BULLER, against, — from Newcastle upon Tyne; and Eccles.

Registration of Electors (*Scotland*) *Bill*, — By Mr. F. MAULE, — from Dumbarton, in favour.

Fictitious Votes (*Scotland*) *Bill*, — By Mr. F. MAULE, — from Dunfermline, in favour.

Church Establishment (*Wales*), — For appropriating surplus of sinecure rectories in Wales to the benefit of the diocese in

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which such revenues arise, — from Llanllechyd; and Gyffin.

Athlone Bridge, — By Mr. JOHN O'CONNELL, — from Athlone, complaining of the dilapidated state of the bridge. — To be printed.

Poor Law Amendment Act, — By Mr. SANFORD, — from Wellington (Somerset), for alteration.

William Cooke, — Of William Cooke, complaining of the verdict in the case of Frederic Nicholas Somers Thomas, for stealing, and praying for inquiry.

Mr. HAWES, on presenting this petition, said: — The petitioner, who is a member of the Royal College of Surgeons, states that in December last he removed some furniture from a house in Camberwell under legal authority; that, some time after, he had observed that a person had been tried and convicted for stealing the same furniture, and that that person is now suffering imprisonment for that supposed offence. I have minutely examined the merits of the case, I have had the opinion of lawyers upon it, and I am satisfied of the truth and justice of the petitioner's case. It has been twice submitted to the authorities at the Home Office, who, on one occasion, took no less than seven weeks to make up their minds, and then decided against the application. I will not go further into the case at present; but I cannot avoid expressing my own conviction of the innocence of the individual who has been found guilty of the supposed offence. I shall merely move that the petition be printed with the votes, at the same time giving notice of my intention to bring it under the notice of the House on the first supply day.

Mr. F. MAULE. — This is a petition on behalf of an individual suffering legal punishment by the verdict of a jury. When application is thought proper to be made on behalf of persons so situated, the usual course is to apply to the Home Office. In this case two such applications were made; and I doubt whether it would be judicious for the House, under those circumstances, to interfere. The whole case was gone into, and strictly examined by the authorities at the Home Office. They do not pretend to be infallible; but their decision coincided with the opinion of the judge and the verdict of the jury, — which, certainly, is a strong presumption in favour of the correctness of that verdict. The Home Office will not shrink from any scrutiny that may be instituted. If they had a doubt, they would be willing to give it in favour of the prisoner. In the mean time, I am ready to consent to the printing of the petition.

Petition ordered to be printed.

County Courts Bill, — By SIR J. GRAHAM, against, — from Kingston upon Hull; and St. Albans.

Of Earl Bathurst, for compensation.

From the Staffordshire Potteries, in favour.

Referred to the select committee on the Bill.

Foreign Apples, &c. — Petitions for increase of duty, — from Penshurst; and Gravesend. — Referred to the Select Committee on Fresh Fruit Trade.

LONDON CITY POLICE BILL.

Reported; to be ingrossed, and read a third time on Monday next.

BISHOPS' RESIDENCES BILL.

Read a third time, and passed.

JAMAICA BILL.

Report to-morrow.

WATERFORD FEVER HOSPITAL BILL.

Reported; to be read a third to-morrow.

BILLS OF EXCHANGE BILL.

Committee to-morrow.

BANKRUPTS (IRELAND) BILL.

Further consideration of Report to-morrow.

PERTH PRISON (APPLICATION OF MONEY FROM CONSOLIDATED FUND).

Considered in committee.

(In committee.) — Resolved, That a sum, not exceeding 10,000*l.*, be advanced out of the Consolidated Fund of the United Kingdom of Great Britain and

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Ireland, towards defraying the expense of converting into a prison the buildings at Perth, now belonging to Government, and formerly used as a place of confinement for French prisoners of war.

Resolution to be reported to-morrow.

QUEEN'S PRINTER (SCOTLAND).

Mr. GILLON. — Sir, I beg to ask the Noble Lord the Secretary of State for the Home Department whether he has any objection to lay on the table of the House a paper similar to that he has promised the Right Honourable Member for Pembroke relative to the printing of the Bible in Scotland?

LORD J. RUSSELL. — I shall have no objection to give the Honourable Member the same paper as I promised to the Right Honourable Member for Pembroke relative to the printing of the Bible in Scotland. No positive plan has, as yet, been fixed on.

JAMAICA.

On the dropped orders being read, —

LORD J. RUSSELL said: — I give notice that I shall, to-morrow, move the reception of the Report of the Committee on the Jamaica Government Bill, and the third reading on Friday next.

RATING OF TENEMENTS BILL.

Order for committee read; motion made, and question proposed, by Mr. GORDON, — "That the Speaker do now leave the chair."

Mr. J. JERVIS. — Sir, I find considerable difficulty in offering any opposition to the Honourable Gentlemen opposite, who have devoted so much time and labour to the present measure. My objections to it, however, continue so strong that I am obliged — however reluctantly — to oppose it. When I came into the House, I found a general understanding existing that there was to be no opposition to the Bill, in consequence of its details having been somewhat altered. These alterations, however, do not satisfy me, as it is to the principle I object. The main principle is this, — not that the rates of all classes of houses are to be paid by the landlords; but, in the case of a particular class of houses, the rents of which do not exceed 9*l.* a-year; and even in cases where the rent is payable four or more times a-year; — thus rendering the occupier for a month subject to rate. Now, this principle will entirely conflict with the rights of occupiers of tenements, and also with their privilege of the franchise. Besides, as all acts in vestries must be done by householders paying rates, their parochial rights will incidentally be destroyed. To those Gentlemen who object to the practice of plural voting, this Bill must be particularly obnoxious. It will, also, act injuriously on the owners of cottages, and deter others from building them; whereas, instead of that, it ought to be the policy of this House to encourage the erection of proper dwellings for the poor. But the persons who build cottages are, generally, persons who have accumulated a small capital in trade, and who invest it thus, in hopes of good interest; and if they find that they are responsible for the rates, they will turn their money into some other channel. It appears, however, that the landlords of cottages are to have an allowance of 50 per cent. on their rates. This will not satisfy them; and, if it did, it would prejudice other persons. I apprehend that this Bill will seriously injure the class of persons occupying cottages. It will crowd families into old dilapidated houses, and deprive the poor man of that protection which he most values — that of his own house, which should be his castle. The rent of these cottages must be raised according to the rate; — so that those which pay 9*l.* now, must be raised to 12*l.* Another objection I have to this Bill is, that it will take away his vote from the cottager. The committee say they have provided for this by enacting that the cottager may claim to be rated. Now, I totally disapprove of that. I do not think the franchise should be an object of individual benefit, but it should be a bounden duty on every man to exercise it. This last objection is, in my opinion, conclusive against the Bill. The committee say that this Bill is not to take effect, except in cases where two thirds of the landlords wish for it. This may be a protection for the landlord, but it can be none for the occupier. I therefore think it my duty to move an amendment to leave out from the word "That" to the end of the question, in order to add the words "this House will, upon this day six months, resolve itself into the said committee," instead thereof.

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SIR J. GUEST. — Sir, I object to the Bill, as extremely oppressive on the class of small occupiers. If you impose taxes on the cottages, you will deter capitalists from building habitations for the poor.

Mr. R. GORDON. — The Honourable Member for Chester's determined opposition to the present measure convinces me that all attempts to conciliate enemies are fruitless. I have endeavoured to meet and obviate all fair and reasonable objections, and yet I find that the Bill is as violently resisted as ever. I contend that some such measure as the present is requisite, because, according to the existing law, a man may occupy a certain quantity of land for the purpose of cultivation, and he will then become liable for the rates; but if he cover his piece of ground with small tenements, he will then be exempt from rate; — and thus, considerable hardship may be done to parishes; for, with an increased population, they will actually be in the receipt of a diminished amount of rate. I am sure my Honourable Friend the Member for Chester would not attempt to raise a feeling against the Bill by saying it was an enactment against the poor. I maintain it is in favour of the poor; and for that reason, the committee recommend it. How are the facts? By the law, known as Scrope's Law, every house must be rated; and it is quite clear that, unless Parliament consent to modify that Act, some measure like this must be passed. I do trust that, unless Honourable Members confess that they object to the principle, they will allow it to go into committee. All we wish to do is, to prevent expense and trouble to landlords and occupiers.

Mr. G. PALMER. — Sir, the owners of small tenements are unable, in many instances, to obtain any rent from the poorer occupiers; and if you impose a rate upon those cottages, to be paid by the landlords, the effect will be seriously injurious to the poor; as the landlords cannot be expected to keep up cottages, for which, instead of obtaining rent, they will be obliged to pay money out of their own pockets in the shape of rates. I must, therefore, vote against the Bill.

Mr. W. WILLIAMS. — Sir, if this Bill should pass, I am persuaded that there is not a corporation in England in which a great portion of the constituency will not be disfranchised. The Bill will also prevent the laying out of money upon the building of cottages by small tradesmen retiring from business; and the consequence will be, that the comforts of the poor will be greatly diminished. In fact, in my opinion, the Bill is objectionable from beginning to end, and ought to be rejected by the House. I shall vote for the amendment of the Honourable Member for Chester.

LORD VISCOUNT SANDON. — Sir, I feel myself, although reluctantly, obliged to oppose the Bill. It will seriously affect the constituencies of large towns, and tend to prevent the building of cottages. The comforts of the poor would be greatly diminished, if such a measure were to come into operation; — they would be crowded into small and ill-built dwellings; and, in such a case, it would be impossible for them to give that attention to cleanliness which is so necessary to insure their health and comfort. My Honourable Friend opposite has done everything possible to make the measure agreeable to the House; — he has given, even to landlords, an allowance of 50*l.* per cent. on the poor-rate. Now, I think this will be as greatly too much in some cases as it will be too little in others. In agricultural districts it will, for instance, be all pure profit. I shall not further occupy the time of the House; but, in obedience to the call of my constituents, and my own opinion, I shall, therefore, oppose the Bill.

Mr. M. PHILIPS. — Sir, I shall give my ardent support to the Bill; but I beg to assure the House that I do so from no feeling of private interest. When thousands of pounds are yearly laid out on the building of cottages, from which large profits are derived, I cannot help thinking that such property ought to be made to contribute to the poor-rates. The principles of the Bill seem to me to be fair and just; and, although I cannot approve of some of its details, yet, upon the whole, it comes so near to my views, that I shall give the measure my most cordial support.

Mr. PRYME. — Sir, the objection which I have to this Bill has never been answered to my satisfaction. My objection is this; — it appears to me that, whenever a plot of building ground is to be had, if the building cottages be more profitable than any other mode of investment, then cottages will be built, accordingly, and they will increase until the rent falls to the level of the interest derivable from other investments. I say, therefore, that according, not merely to the principles of political economy, but of common sense,

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wherever there is room and a chance of profit, cottages will be built. Then, when this Bill passes, its operation will be to lay a tax on the landlords, who will consequently raise the rents; and thus, in every town, the poorer classes will be injured. My objection to this Bill, then, is, that it will be a house-tax on the labourer and humble artisan. My Honourable Friend has done every thing he could to modify the details; but my objection is to the principle, and no modification can make me support it. I also object to it on account of its effect on the franchise. My Honourable Friend says that an occupier may, under the Bill, get rated, if he wishes; but I ask any man who has a knowledge of human nature, does he think one in ten of the occupiers would take the trouble, or seek to pay the rate, for the sake of the franchise?

Mr. BRISCOE. — Sir, disposed as I am, at all times, to attend to the claims of the poor, I think that the owners of cottages have in this case made a strong appeal to us. I agree with my Honourable Friend that the present law is remarkable for its severity. Under the Poor Law Amendment Act the rate is not remitted, as heretofore, by consent of the overseers before the magistrates in petty sessions; but it is necessary to have the consent of the board of guardians as well as of the magistrates, before those who are unable to pay poor-rates can be relieved. I feel it necessary to urge the House to take this question into its serious consideration, because it is not one which affects the owners of cottages only, but the welfare of millions of the poorer classes of the community. The House is little aware of the wide-spreading dissatisfaction of the working classes, at the present time, by reason of the working of Mr. Scrope's Act. In a parish in which I have property, there has been an increase, under that Act, of from 427 to 1018 ratepayers, while rateable property has increased in the same ratio, the augmentation of the amount of rates being from 16,000*l.* to a sum exceeding 20,000*l.* Consequently, a very large number of day labourers who earn not more than 10*s.* or 12*s.* per week are now called upon to pay poor-rates, — they not having been rated before. A collector of poor-rates, in speaking of these poor people, said to me, "If you had witnessed the distresses of the poorer classes which I have seen, your heart would bleed. I am often compelled to come out of their cottages by the spectacles of misery I find in them." There is, in fact, the greatest difficulty experienced in collecting the poor-rate. A most respectable clergyman of the Church of England told me, a short time ago, that the sacrament money which he gave to a poor widow, being only 2*s.*, was immediately paid to save her little goods from being taken away by the collector of the poor-rate. I am quite at a loss to understand how this Bill will prevent the building of such cottages as are suitable to poor men, or how it will injure the property, because the tenement which is free of this charge to the occupier, must of course be more desirable to him, and therefore will be more valuable to the owner. I will only, in addition, ask the House to remember that the Act is not imperative, and I trust they will let it go to the committee.

Mr. SLANEY. — Sir, as this Bill has been repeatedly under the consideration of committees, and great pains have been taken to prepare it, it would be but fair to the promoters of the measure that it should now be suffered to go into committee. Will the House throw out the Bill without affording an opportunity for showing what improvements have been made in it? The principal objection to this Bill is, that it will take away the franchise; but the only parties who can enjoy the franchise are those who pay rates, and they are excepted by the Bill. By Mr. Scrope's Act all property was assessed to the poor-rate, and no person could be excused only on the ground that he had been a recipient of relief out of the rate. Therefore, the rate was to be gathered from all persons not so excused, — a regulation which necessarily included an immense number of poor people, who, though not actually receiving or asking parochial relief, were totally unable, out of their small incomes, to pay poor-rates. Every possible means was resorted to in order to exact the rate from them; — they were summoned over and over again; and very frequently their little household furniture, comprising only bare necessaries, were sold under distress for them. I believe this Bill will have the effect of bringing back a considerable portion of property that ought to be rated, while it will relieve many poor persons, and prevent them from becoming burdensome to their parishes. I think the excitement and dissatisfaction existing among the lower classes in relation to this subject are a strong reason why the House ought to suffer this Bill to pass, or at least to go into committee, in order that it may be made an efficient and beneficial law.

Mr. SCROPE. — Sir, I beg to explain that all my Act provided was, that if tenements were rated, they should be

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rated at their full value. It did not compel property to be charged which had not been previously rated. I think this Bill would have the effect of preventing a better class of dwellings being built for the occupation of the labouring classes, and that it would be injurious in other respects to the poor man; and therefore I shall strenuously oppose it.

Question put, "That the words proposed to be left out stand part of the question."

The House divided:—Ayes 70; Noes 94;—Majority 24.

AYES.

Alsager, Captain	Maunsell, T. P.
Archbold, R.	Miles, W.
Baines, E.	Packe, C. W.
Barneby, J.	Philips, M.
Barron, H. W.	Plumptre, J. P.
Bethell, R.	Rice, E. R.
Bramston, T. W.	Rice, Rt. Hon. T. S.
Brodie, W. B.	Rundle, J.
Brotherton, J.	Rushbrooke, Colonel
Buck, L. W.	Russell, Lord J.
Burroughes, H. N.	Rutherfurd, Rt. Hn. A.
Busfeild, W.	Sanford, E. A.
Chute, W. L. W.	Slaney, R. A.
Clive, Hon. R. H.	Smith, R. V.
Cowper, Hon. W. F.	Somerset, Lord G.
Darby, G.	Somerville, Sir W. M.
Egerton, W. T.	Stanley, Hon. E. J.
Farnham, E. B.	Stanley, W. O.
Fleming, J.	Stuart, Lord J.
Fremantle, Sir T.	Stock, Dr.
Gaskell, J. M.	Style, Sir C.
Hayter, W. G.	Sugden, Rt. Hn. Sir E.
Heathcote, Sir W.	Thompson, Alderman
Henniker, Lord	Townley, R. G.
Herbert, Hon. S.	Vere, Sir C. B.
Hobhouse, T. B.	Verney, Sir H.
Hodges, T. L.	Waddington, H. S.
Hope, Hon. C.	White, A.
Hope, G. W.	Williams, W. A.
Howick, Lord Viscount	Wodehouse, E.
Ingham, R.	Wood, C.
Jermyn, Earl	Worsley, Lord
Knatchbull, Rt. Hon. Sir E.	Wrightson, W. B.
Lascelles, Hon. W. S.	*Tellers.*
Lynch, A. H.	Briscoe, J. I.
Mackinnon, W. A.	Gordon, R.
Manners, Lord C. S.	

NOES.

Aglionby, Major	Collier, J.
Ainsworth, P.	Collins, W.
Attwood, T. (Birm.)	Douglas, Sir C. E.
Bailey, J.	Duffield, T.
Barnard, E. G.	Duke, Sir J.
Barrington, Lord Vt.	Duncombe, T.
Bell, M.	Dundas, C. W. D.
Bewes, T.	Egerton, Sir P.
Blackett, C.	Ellice, E.
Bowes, J.	Ewart, W.
Buller, C.	Fazakerley, J. N.
Burrell, Sir C.	Feilden, J.
Cayley, E. S.	Finch, F.
Christopher, R. A.	Goulburn, Rt. Hon. H.
Graham, Rt. Hn. Sir J.	Pattison, J.
Grimsditch, T.	Pechell, Captain
Guest, Sir J.	Richards, R.
Hastie, A.	Roche, W.
Hawes, B.	Roche, Sir D.
Heathcoat, J.	Salwey, Colonel
Hector, C. J.	Sandon, Lord Visct.
Hinde, J. H.	Scarlett, Hon. J. Y.
Hodgson, R.	Scholefield, J.
Hope, H. T.	Scrope, G. P.
Howard, P. H.	Seale, Sir J. H.
Hughes, W. B.	Sheppard, T.
Hutt, W.	Smith, A.
Hutton, R.	Stanley, Lord
Langdale, Hon. C.	Stansfield, W. R. C.
Leader, J. T.	Stewart, James
Lincoln, Earl of	Strickland, Sir G.
Litton, E.	Strutt, E.
Lowther, Hon. Colonel	Talfourd, Mr. Serjeant
Lowther, J. H.	Thornely, T.
Lygon, Hon. General	Turner, W.
Mackenzie, T.	Vigors, N. A.
Macleod, R.	Villiers, Hon. C. P.
Marsland, H.	Wakley, T.
Martin, J.	Walker, R.
Molesworth, Sir W.	Ward, H. G.
Moreton, Hon. A. H.	Williams, W. (Cov.)
Muskett, G. A.	Wilmot, Sir J. E.
Norreys, Lord	Winnington, T. E.
Pakington, J. S.	Winnington, H. J.
Palmer, C. F.	Wood, Colonel T.
Palmer, R.	
Palmer, G.	*Tellers.*
Parker, R. T.	Jervis, J.
Patten, J. W.	Pryme, G.

Words added; main question, as amended, put, and agreed to:—Bill put off for six months.

CUSTODY OF INFANTS BILL.

On the motion of Mr. SERJEANT TALFOURD, the House resolved itself into a committee on this Bill.

Clause 1. was agreed to, with verbal amendments.

On Clause 2. (enacting that the mother may have access to her infant on a return of a writ of *habeas corpus*) being put,—

SIR EDWARD SUGDEN said:—I now rise, Sir, pursuant to the notice I have given, to move that this and the following clauses be expunged from the Bill. The merits of this question having been fully discussed on a former occasion, Honourable Members are, doubtless, aware of the nature of the ground which has been taken by my Honourable and Learned Friend in reference to the subject of this measure. It will be, therefore, unnecessary for me to occupy the time of the House more than will be required for me to go over the main points of the question. The other clauses, in point of fact, although the same in

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substance, are different in form, to the former Bill. The first clause which I oppose provides, whenever any court or judge shall, upon the return of a writ of *habeas corpus*, issued at the instance of the father of any infant or infants, order such infant or infants to be delivered to such father by the mother, it shall be lawful for such court or judge to provide, by order, for the access of the mother to such infants. And the next clause says, that the Lord Chancellor, the Master of the Rolls, and the Vice Chancellor in England, or the Lord Chancellor and the Master of the Rolls in Ireland, respectively, may, upon hearing the petition of the mother of any infant, being in the sole custody and control of the father thereof, or of any person by his authority, make order, if he shall see fit, for the access of the petitioner to such infant, and if such infant shall be within the age of seven years, make order that such infant shall be delivered to, and remain in the custody of, the petitioner, until attaining such age. Now, the objection I have to these clauses rests upon principle. I believe the operation of this Bill, if passed in its present shape, will be to reduce the obligations of marriage, and will thereby prove detrimental to the best interests of married women and their offspring. The committee, upon reflection, must agree with me in the opinion that, if facilities are given to separations, as must be the result of this Bill, those separations must ultimately lead to divorces, with all their attendant evils. Though there may be some hardships in the existing law, as to mothers, in this respect, still there is no country in the world in which married women have so complete a protection as that afforded them by the general laws of this country; and I would have the committee be cautious, lest, while it pretends to take care of their interests, it relax the protection to which they are already entitled. Under the present law, parents — mothers especially — have a great inducement, from the natural love and affection they bear to their children, to put up with many petty trifling differences and annoyances which there are no means of remedying, because the marriage tie remains unbroken: the children form the common link which binds the parties together. But this Bill would lead to collision of interests between the father and the mother as regards their children, and, in many cases, separations, followed by divorces, would ensue, simply because of the facilities afforded mothers of indulging their natural love by access to their offspring. The law of England wisely says that the right of the custody of the children is vested in the father, — and that law is consonant with the laws of a higher authority: why, then, should the Legislature interfere? There may be — and I will not deny it — numerous cases in which that law operates with hardship upon mothers; but the Legislature is bound to look to the welfare of married women as a class, and not to have regard to individual cases. If a child be taken from the father for seven years, as proposed by the Bill, who is to maintain and educate that child? The balance of mischief is against the provisions of the Bill; and, though the evils of the present system are, to a certain extent, pressing, still those evils will be better corrected by the tone and morals of society than by any law that can be devised. If this Bill pass, though it may afford relief in some cases, yet it must also create difficulties a hundredfold, from which families can never extricate themselves. With regard to the next clause, giving authority in these matters to courts of equity, I must say it would be a great evil; for, with the pressure of business before those courts, this new jurisdiction would lead to a denial of justice to suitors in equity. I therefore hope the committee will not support these clauses. It now only remains for me to move, Sir, that all the clauses after the first be omitted.

Mr. SERJEANT TALFOURD. — Sir, I entirely concur in the arrangement made by the Right Honourable Gentleman, which enables us to come sooner to the discussion of the principle of the Bill; and, as the objections of the Right Honourable and Learned Gentleman apply to the principle and not the details of the measure, I think the course he has taken, in this motion, is perfectly consistent with the object he has in view. My Right Honourable and Learned Friend says that his objections to the Bill are to the principle; and, Sir, I at once say that, on the ground of principle, I am ready to meet him — upon the principle of that boasted law of England, by which mothers are left without redress, and by which, even, in cases where an injured wife has been compelled to prosecute the husband, he has still had the power of withholding from them, the happiness of seeing their children. If the law of England had remained silent upon this subject, I should have acknowledged that much might be advanced against this Bill; but the law has interposed, — and, I am sorry to say, has, for

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a long series of years, interposed very strongly on the wrong side, — it has even committed an injured and innocent wife to the Fleet Prison, at the suit of her husband, for disobeying the mandate of the Court of Queen's Bench, which had ordered that her children should be torn from her. Therefore, the law has interposed; but not on the side most requiring protection. Now, in Scotland, where the people are certainly as moral as in England, and where the nuptial vow is observed with equal fidelity and strictness, although, perhaps, marriages may be contracted with too dangerous a facility, the law gives power to the judges to interfere and give the custody of the children to the mother in certain cases. For this reason I have not thought it necessary to extend the Bill to Scotland. In cases where the child has been entitled to property, and where it has been thought necessary for his morals and welfare that he should be separated from the father, the Court of Chancery has interfered, — not, indeed, on behalf of the mother, but to prevent the father from having the custody of the child, as in the case of the poet Shelley, where the mother had gone to her grave, and the father was deprived of his children. There is another case, to which I would not allude were it not so extensively known, — I mean that of Long Wellesley, — in which a similar power was exercised by Lord Eldon. Sir, my Right Honourable and Learned Friend has said that the judges of the land are opposed to this Bill; but, with respect to the clause immediately under the consideration of the committee, I cannot bring myself to believe that those learned personages object to the principle it embodies; and, indeed, with reference to one or two of the judges, I believe I may venture to assert the contrary to be the fact. With regard to the next clause, which gives the custody of the children to the mothers for the first seven years, I introduced that provision, because, when the first Bill was brought forward, a taunt was thrown out by some very influential persons in another place, that the clause it contained did not go far enough. All that this clause does is, to enable a court of equity to place an innocent and injured wife in the same situation as the guilty mother of bastard children. She has a right to the custody of her children till they are seven years of age, against the father and against all the world. I only ask this — I only ask that the wife shall have the same privilege as the mother of bastards; and am I to be told, by way of answer, that the Court of Chancery is choked up with business? But I will not fatigue the committee by entering into this part of the subject. The law, as it now stands, has increased and prolonged misery and wretchedness, by compelling the parties to reside under the same roof under penalty of the oppressed and injured wife forfeiting the comfort of her children's society, — it has had the effect of compelling the honourable and chaste wife to reside under the same roof with the shameless mistress, — nay, it has given power to the vindictive and tyrannical husband to visit his malignity upon his wife after his death, and, by testamentary enactment, to prevent her from having access to her children. The question is, — ought not such a law to be changed? All the Bill proposes is, to give the judges a discretionary power to decide upon the merits of individual cases — a power, the want of which they have complained of whenever they have had occasion to enforce the existent right of the father over his children, to the exclusion of the mother.

Mr. LANGDALE. — As I trespassed upon the indulgence of the House on a former occasion, I shall not now hesitate to do so, in the performance of my duty, however unpopular it may be. I feel called upon to express my opposition to the present measure, as I am sure, if the Bill pass, that it will do away with many of the impediments which now stand in the way of applying for divorces. If, when parties are separated, you do anything to increase the already existing excitement between them, you diminish the probability of promoting a reconciliation. I think that it is the most unfortunate circumstance that can happen to a woman, to be separated from her husband and children; and I oppose this Bill as being calculated to remove some of the great impediments to separation, and to promote separation when otherwise it would not take place.

Mr. W. COWPER. — I certainly feel it my duty to support this Bill. The principle of the measure is to leave the decision to the most impartial persons, — namely, the judges of the land, — instead of leaving it to a father, in a moment of irritation, — to declare whether the mother shall or shall not see her children. I do not anticipate that any of those evils will follow from this Bill which the Right Honourable and Learned Gentleman has prophesied.

The committee then divided: — Ayes 49; Noes 11; — Majority (against exclusion of clauses) 38.

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AYES.

Aglionby, H. A.	Lynch, A. H.
Aglionby, Major	Mackenzie, T.
Alsager, Captain	Macleod, R.
Archbold, R.	Marsland, H.
Baines, E.	Molesworth, Sir W.
Baring, F. T.	Morris, D.
Barnard, E. G.	O'Connell, M. J.
Bewes, T.	Palmer, C. F.
Bodkin, J. J.	Pigot, D. R.
Bridgeman, H.	Pryme, G.
Buller, C.	Rice, Rt. Hon. T. S.
Busfeild, W.	Rolfe, Sir R. M.
Cayley, E. S.	Salwey, Colonel
Collier, J.	Smith, R. V.
Ellis, W.	Stock, Dr.
Ewart, W.	Thornely, T.
Finch, F.	Vigors, N. A.
Gibson, T. M.	Villiers, Hon. C. P.
Grattan, H.	Wakley, T.
Hawes, B.	Williams, W. (Cov.)
Hector, C. J.	Williams, W. A.
Herbert, Hon. S.	Winnington, H. J.
Hobhouse, T. B.	
Hughes, W. B.	*Tellers.*
Hutt, W.	Cowper, W. F.
Jervis, John	Talfourd, Mr. Serjeant
Leader, J. T.	

NOES.

Broadley, H.	Pollock, Sir F.
Burr, H.	Richards, R.
Christopher, R. A.	Warburton, H.
Coote, Sir C. H.	
Dalrymple, Sir A.	*Tellers.*
Goulburn, Rt. Hon. H.	Langdale, Hon. C.
Hodgson, R.	Sugden, Sir E.
Litton, E.	

The remaining clauses were then agreed to; Bill to be reported to-morrow.

BOROUGH WATCH RATES BILL.

Considered in committee, and reported; further consideration of Report on Wednesday next; Bill, as amended, to be printed.

COPYHOLDS ENFRANCHISEMENT BILL.

Order for further consideration of Report read; Bill recommitted; considered in committee; to be reported to-morrow.

SEWERS BILL.

Considered in committee, and reported; further consideration of Report on Friday; Bill, as amended, to be printed.

ELECTORS' REMOVAL BILL.

On the motion of Mr. M. GIBSON, for the House to resolve itself into a committee on this Bill, —

SIR A. DALRYMPLE said: — I am glad to see the Honourable and Learned Attorney and Solicitor General in their places; and, as I object to this Bill, as departing from the most essential principles of the Reform Act, and enabling an individual to retain his vote for fifteen months after he has really forfeited it, I would ask whether the measure has the support of her Majesty's Government?

The CHANCELLOR of the EXCHEQUER. — I do not mean to argue any of the details; but, in answer to the question which has just been put by the Honourable Gentleman, I wish to say that this Bill does meet with the hearty concurrence of her Majesty's Government. The measure will confer the right of voting upon many who are now deprived of it; and I rejoice that it has been introduced. I shall, undoubtedly, give the Bill every support in my power.

The ATTORNEY GENERAL. — I have no hesitation in saying that this Bill meets, also, with my warm and hearty concurrence. For five years I have been trying to effect the object proposed to be effected by this measure. Five years ago, to my knowledge, some thousands of voters were disfranchised in Edinburgh, in consequence of mere change of residence, although changing only in the same street, and even in cases where the tenants had removed into houses of greater value; and from that time to the present, I have been doing my best to correct the evil. This is by no means a new measure, nor does it involve a new principle; and I am happy to say that it meets with the approbation of the Noble Lord the Secretary of State for the Home Department, and all her Majesty's Ministers. For myself, I shall support it to the utmost of my power; and I trust it will pass with the unanimous assent of this House.

SIR FREDERICK POLLOCK. — If the argument of my Honourable and Learned Friend could be carried out, so as to apply to every class of voters, it would be just and proper; but I think it is to be regretted that this Bill does not meet all the objections that exist to the present state of things. It extends only to one class of voters, and does not include another — namely, freeholders. Now, I should like to know, if a man has exchanged one property for another, — probably of greater value,—why he should not

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vote for the county? My Learned Friend complains that voters should be disfranchised merely in consequence of a change of residence, occurring, probably, only in the same street, and, perhaps, into a house of greater value; but there is this practical difficulty in the way of any alteration; — you require a certain officer—the registering barrister — to ascertain that the voter does occupy a house of the value required by the law; and my Learned Friend, in his argument, did not appear to contemplate the possibility of a voter going into a house of less value, as well as his exchanging into a tenement of greater value; and in such a case, how is the qualification required by law to be ascertained? In the first place, I think this Bill ought to be co-extensive with all the cases that may arise; and, secondly, that due care should be taken that every person who presents himself to vote should have first been ascertained to be duly qualified to exercise the franchise.

The SOLICITOR GENERAL. — I hope that my Honourable Friend will not be seduced into giving up any part of his Bill. I agree with my Honourable and Learned Friend as to the principle applying to the counties; but this I say, — that the only practical difficulty has been felt with regard to the removal of 10*l.* householders.

[Cries of "Oh, oh!"]

Many Honourable Friends of mine think there ought to be no qualification at all; others think it ought to be higher; but all agree that the qualification is only intended as a test of the fitness of the party to exercise the elective franchise. Now, if a person possess the proper qualification in November, what reason is there to suppose that he has lost it in August? That is the plain common sense of the question. Under the present system, the only interrogatory put to the voter is this; — "Are you in possession of the same qualification you had?" What is the consequence? The honest man answers "No," — and loses his vote; while the dishonest man who chooses to interpret the question in a sense different from its real meaning, answers "Yes," — and retains his vote. The only way to cut this knot is to make the registration for [a year. Never was there a question that was less of a party question than this, for it equally concerns all parties. I beg to say that I shall give my best support to the Bill.

Mr. V. SMITH. — I would put it to my Honourable Friend, whether it would not be possible to obviate the inconvenience of putting the question to the scot and lot voters under the Reform Bill? The question applies to them as well as to the 10*l.* householders; and, really, I think such object would come within the scope of this Bill.

Mr. M. GIBSON. — On a full consideration of the subject, I have framed the best measure I could. If Honourable Members have additions or alterations to propose, I shall be ready to discuss them. I beg to add, that it has not been a question with me, whether the measure would benefit Conservatives the most, or Whigs the most. That is an objectionable principle for the House to consider measures on. The question ought to be, which is the most for the public good?

SIR A. DALRYMPLE. — It appears to me that the object of this Bill might have been effected in the Registration Bill.

The SOLICITOR GENERAL. — I assure my Honourable Friend he is mistaken, because this Bill alters, to a certain extent, the right of voting; and it is not a mere question of registration.

The House then resolved itself into a committee on the Bill.

On Clause 1. ("Electors not to lose right of voting by removal after registration") being put, —

Mr. H. HODGSON said: — I have no objection to a householder, removing from one house to another of equal value in the borough, retaining his vote; but this I do object to, — that, by this Bill, a voter, being registered on the 10th of November, should lose his qualification by removing 100 miles off, and yet, at the end of the year, come back to the borough and vote. Moreover, some difficulty might arise in proving the exact value of the tenement before the returning officer; but I think this difficulty might be obviated by proving that, at the time of voting, the elector is a rated inhabitant of the borough. I beg leave, therefore, to move that these words be inserted at the end of the clause: — "Provided always, that no such elector shall be entitled to vote, unless he shall, at the time of tendering his vote, be a rated inhabitant of the said city or borough."

Mr. M. GIBSON. — I think that the

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difficulty which the Honourable Member wishes to remove would still exist under his proviso. This sort of vexatious questions, which continually come before committees of the House, it has been a principal object with me to prevent, or at least to simplify. As we are, perhaps, not very likely to get a tribunal for trial of election petitions which will be competent to decide complicated questions of law, I think the best thing that can be done is to simplify and abridge, as much as possible, the questions which come before them for decision. I must, therefore, resist the amendment.

Mr. BROTHERTON. — I cannot consent to the amendment. A man might remove from a 10*l.* to a 20*l.* house, and yet lose his title to vote because he was not a rated inhabitant. Now, a man might be nine months in his house, and not be rated.

The ATTORNEY GENERAL. — I must oppose this amendment. I have no doubt that the Honourable Gentleman has the *bonâ fide* intention to carry into effect the purpose he has alluded to; but the proviso he proposes would not have that effect.

Mr. C. BULLER. — I would ask any man whether, after a voter has been ascertained to possess that amount of property and intelligence contemplated by the Reform Act, it is fair that you should make his removal a criterion by which to alter his right of voting? I, for one, participate fully in the complaints that have been made of the partial operation of this Bill, and I cannot see why the principle which is considered applicable to boroughs should not extend to counties. Before I sit down, I wish to make one remark, which, I am sure, will be approved of by every man of liberal sentiments. It is with extreme satisfaction that I have heard every Member of the Government who has spoken to-night, declare his approbation of this measure; for it is, to a certain extent, an enlargement of the franchise, and, in consequence, an abandonment of the principle of finality. I do, therefore, particularly rejoice to find the Bill supported by the whole of the Government.

The SOLICITOR GENERAL. — I appeal to my Honourable Friend who introduced this measure, whether my approbation of it is anything new? and whether I did not state to him that he would have the concurrence of every Member of her Majesty's Government?

The ATTORNEY GENERAL. — Much less can it be supposed that there is any thing new on my part in approving this measure; for, some time ago, I introduced a Bill upon the same subject.

Mr. WAKLEY. — Quite true, — there has been nothing new in all this; the doctrine of "finality" has not been thrown overboard. The principle of the Bill is the same as that introduced by the Honourable and Learned Attorney General five years ago. Now, I believe it was not the intention of the framers of the Reform Bill that persons removing should lose their right of voting. What right have you to deprive a man, one year, of the right which he acquired the preceding year by a compliance with your law? I trust the Honourable Member will withdraw his proviso, and not press the committee to a division. His party is exceedingly small; and, as the better part of valour is discretion, I think the Honourable Member will be wise in not insisting upon his motion.

The gallery was then cleared, but no division took place.

The House resumed; Bill reported, without amendment. On the question, "That the Bill be read a third time to-morrow," —

The ATTORNEY GENERAL said: — I beg to suggest to the Honourable Member for Ipswich, that it would be better to appoint a more distant day than to-morrow for the third reading, to prevent the possibility of its being said that the Bill was smuggled through the House.

Mr. GIBSON. — I do not think that the Bill has any very inveterate enemies, and I have no objection to postpone the third reading till Monday.

Bill to be read a third time on Monday next.

PRISONS (SCOTLAND) BILL.

Committee deferred till to-morrow.

SUPPLY.

Committee deferred till Friday.

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WAYS AND MEANS COMMITTEE.

The CHANCELLOR of the EXCHEQUER. — I beg leave to move, "That, towards raising the supply granted to her Majesty, the several duties on sugar and molasses now imposed, and the bounties allowed thereon, be further continued." I take this opportunity of stating that it is not the intention of her Majesty's Government to propose any alteration in the duties or drawback.

Mr. EWART. — I must express my regret that there is to be no reduction in the sugar duties. I did hope that some progress would have been made, this year, in the reduction of those duties, in compliance with the wishes and expectations of a large portion of the mercantile community. Considering how little has yet been done towards placing those duties on a proper footing, I must say the subject calls for the most serious attention of the House.

The CHANCELLOR of the EXCHEQUER. — I must protest against the interpretation put by the Honourable Member for Wigan upon what has been already done in the reduction of the sugar duties. I am old enough to recollect the proceedings in this House during the last twenty years; and, unquestionably, for sixteen years of that time, there has not been one subject more discussed or debated than the equalisation of the duties upon East India and West India produce. I rejoice that it was in my power to propose an equalisation of those duties, and, though so long a matter of contest, it is now the settled law of the land. With respect to the bounty on the export of sugar, that, also, has been a matter of grave and serious consideration, and I was enabled to introduce a measure which gave considerable relief on that subject. I therefore think the Honourable Member for Wigan has not fairly estimated what has been already done relative to the sugar duties.

Mr. MARK PHILIPS. — I think there is great danger that we shall be driven out of foreign markets, unless there be an assimilation of our duties on sugar with the sugar duties of foreign states. I would certainly recommend alterations in these duties. I think that the state of trade with the Brazils particularly calls for some alteration, since, at present, it is hardly possible to obtain a return for cargoes shipped to that country.

Mr. EWART. — On a future day I shall call the attention of the House to the expediency of relaxing the duties on East India sugar, and of admitting it to come into competition, to a much greater extent than it does at present, with West India sugar. I shall also call the attention of the House to the propriety of introducing foreign sugars.

The CHANCELLOR of the EXCHEQUER. — I have no hesitation in saying that a reconsideration of the sugar duties might be entered upon advantageously to the state as a matter of revenue, and to the consumer in the price of sugar. But my Honourable Friend must be quite aware of the difficulties which would attend the subject; arising, first, from the claims of the colonies of this country to a preference, — on which I do not pronounce any opinion; and, in the second place, from the peculiar state of the Brazils with respect to the slave trade; because, when it is known that, at the present moment, the Brazils furnish a great market for slaves, and, therefore, give encouragement to the slave trade, it behoves the House to pause before giving support to that trade by affording an additional market to the producer of slave labour.

Mr. THORNELY. — It is vain to expect that keeping up prohibitory duties on sugar will have any effect in putting down slavery. It appears to me particularly absurd to use such an argument for excluding the produce of the Brazils, when this country is so largely dependent on the cotton and tobacco of the slave states of America.

Resolution to be reported to-morrow; committee to sit again on Friday.

REGISTRATION (COURT OF APPEAL).

On the motion of Mr. C. BULLER, Bill for establishing a court of appeal from the revising barristers of England and Wales, ordered to be brought in by Mr. CHARLES BULLER, Mr. WARBURTON, and Mr. MILNER GIBSON.

Bill subsequently presented, and read a first time; to be read a second time on Friday, and to be printed.

PAPERS, RETURNS, &c.

Education. — Estimate presented — of the amount required to be voted in 1839

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for public education in Great Britain (by command). — To lie on the table, and to be printed.

Disturbed Districts. — Paper.

Constabulary and Police Force (Ireland). — Return.

British North America. — Copy of Appendices D and E to Report from the Earl of Durham.

Jamaica. — Copy of memorial addressed to Lord Melbourne on the 30th of May, by planters, merchants, and others.

(Severally presented 11th of June). — To be printed.

Navy. — Return (presented 5th of June). — To be printed.

Railway Companies. — Account (laid upon the table 11th of June). — Referred to the Select Committee on Railways.

Adjourned at nine o'clock.

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HOUSE OF LORDS, JOVIS, 13° DIE JUNII, 1839.

APPEALS.

Gray *v.* Forbes. — Appellant's counsel heard; and interlocutors affirmed, with costs (including the costs reserved at the hearing, upon the competency of the appeal).

Brock *v.* M'Callum (or Webster). — In part heard, and adjourned to Monday next.

Fleming *v.* Dunlop. — Considered, and interlocutors reversed.

Gordon *v.* The Edinburgh Oil Gas Light Company (second appeal); Simpson *v.* O'Sullivan; Allan *v.* M'Craw. — Set down for hearing.

Vigers *v.* Pike; Morell *v.* Scoones. — Petition of the appellants for further time to lodge cases. — Read, and referred to the Appeal Committee.

A. T. F. Fraser *v.* Lord Lovat. — Appeal presented, and respondent ordered to answer in four weeks.

PEMBERTON'S DIVORCE BILL.

A witness ordered to attend to-morrow.

ALLISON'S DIVORCE BILL. — DUKE OF BUCKINGHAM AND CHANDOS'S ESTATE BILL.

Read a third time, and passed; and sent to the Commons.

MELLIN'S DIVORCE BILL.

Amendments reported (according to order), and Bill to be ingrossed.

WEGUELIN'S DIVORCE BILL.

A Bill "to dissolve the Marriage of the Reverend William Andrew Weguelin, Clerk, with Emma, his now Wife, and to enable him to marry again; and for other Purposes therein mentioned." — Presented (on petition), and copy of proceedings in Ecclesiastical Court delivered (on oath). — Bill read a first time, and ordered to be read a second time on Friday, the 28th instant, and the Lords summoned; and the usual orders made.

RAIKES'S ESTATE BILL.

Returned from the Commons, agreed to.

House adjourned during pleasure, and resumed by the EARL of SHAFTESBURY.

House adjourned during pleasure, and resumed by the LORD CHANCELLOR.

LEEDS AND HAREWOOD ROADS BILL.

Read a third time, and passed.

FRASERBURGH HARBOUR BILL.

Read a second time, and committed for Monday next.

CAMBER QUAYS (PORTSMOUTH) BILL.

Petitions praying to be heard by counsel against, — of burgesses, town councillors, and others of Portsmouth; and of Edward Casher, of Portsmouth, chairman of the Association of Merchants, Traders, and others, for the Protection of the Trade and Port of Portsmouth.

Also, a petition of Thomas White, the younger, of Gosport, for compensation in the event of the Bill passing into a law.

And, also, a petition of shipowners and others of Lymington, trading to and from the port of Portsmouth, against the Bill.

Severally read, and ordered to lie on the table.

Bill read a second time, and committed; the committee to be proposed by the Lords' Committees appointed for proposing Committees on Opposed Bills.

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LONDON BRIDGE APPROACHES BILL.

Petition praying to be heard by counsel against, —of the Reverend George Shepherd, Doctor of Divinity, the rector, and of Charles Grote and Thomas Bearda Batard, the churchwardens of the parish of Saint Bartholomew by the Exchange, in the city of London, on behalf of themselves and the other parishioners of the said parish. — Read, and ordered to lie on the table.

The order made, on Tuesday last, for the commitment of the Bill to all the Lords present that day, discharged; and Bill referred to the Standing Orders Committee on Tuesday next.

NORTHERN AND EASTERN RAILWAY BILL (No. 1.).

Petition praying to be heard by counsel against, — of the Reverend Joseph Arkwright, of Mark Hall, in the county of Essex, clerk. — Read, and ordered to lie on the table.

The order made, on Tuesday last, for the commitment of the Bill to all the Lords present that day, discharged; and Bill referred to the Standing Orders Committee on Tuesday next.

BIRMINGHAM CANAL BILL. — PRESTON AND WYRE RAILWAY, HARBOUR, AND DOCK BILL. — GLASGOW AND RENFREW ROADS BILL. — BRADFORD IMPROVEMENT BILL. — ITCHEN BRIDGE AND ROADS BILL. — SOUTHMOLTON ROADS BILL.

Brought from the Commons, and read a first time.

MANCHESTER AND BIRMINGHAM RAILWAY BILL.

Brought from the Commons; read a first time; and referred to the Standing Orders Committee on Tuesday next.

PARRETT NAVIGATION BILL.

Returned from the Commons, with the amendment agreed to.

BARTON INCLOSURE BILL. — DOVER, DEAL, AND SANDWICH ROAD BILL.

Returned from the Commons, with the amendments agreed to.

SAINT LEONARD'S AND SEDLESCOMB ROADS BILL. — EDENFIELD AND LITTLE BOLTON ROAD BILL.

Reported, without amendment.

EDINBURGH, LEITH, AND NEWHAVEN RAILWAY BILL.

Reported specially from the Standing Orders Committee; and leave given to proceed with the Bill.

WEST DURHAM RAILWAY BILL.

Petition in favour of, — of landowners and inhabitants of St. Andrew Auckland and Brancepath. — Read, and ordered to lie on the table.

MANCHESTER AND LEEDS RAILWAY BILL.

Report from select committee, That the parties opposing the Bill having stated to the committee that they were unable to proceed with their case yesterday, in consequence of their witnesses not having been sworn, the committee were under the necessity of adjourning, at half past one o'clock, the proceedings upon this Bill, till this day, at eleven o'clock.

WATERFORD FEVER HOSPITAL BILL

Brought from the Commons; read a first time, and to be printed.

MANCHESTER AND LEEDS RAILWAY BILL.

Reported specially, with amendments.

POSTAGE.

Lord Segrave, the Duke of Richmond, the Earl of Mansfield, the Earl

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of RODEN, LORD REDESDALE, and the DUKE of HAMILTON presented petitions for reduction of the rate of,—of members of the church and congregation assembling at the Independent chapel, Ulverston: of the council of the mayor, aldermen, and burgesses of Lancaster: of Protestant Dissenters assembling at the General Baptist chapel, Horsham: of merchants, bankers, traders, and others of the city of London; and Stranraer: of proprietors of Custom House and Wool Quays, London: of masters and crews of vessels belonging to the coasting trade at Custom House Quay, London: of members of the Mechanics' Institution, Bristol; and Hammersmith: of persons employed in or connected with the establishment of Messrs. Gill and Charlesworth, Wood Street; Thomas Joyce, Lyncombe Hill, Bath; Messrs. Mayhew and White, Union Street, Southwark; John Davison, bookbinder, Jewin Crescent; Messrs. Whitehouse and Son, Regent's Canal Basin, City Road, London, Birmingham, and Dudley; Messrs. Wilde, Rees, Humphrey, and Co., College Hill, London; W. J. Felton, West Corner, Belgrave Square; Sarah Marks and Son, Langham Place; Messrs. Christy and Co., Bermondsey Street; Messrs. Bayley and Son, Fountain Stairs, Bermondsey; Messrs. Bowman and May, Wood Street; Messrs. Wood and Sharwood's, Aldersgate Street; Samuel Clark, Ashford Street, Hoxton; Messrs. Warner and Son, Jewin Crescent; Messrs. Miles and Edwards, Oxford Street; Sir Henry Meux and Co., Tottenham Court Road; Messrs. Clay and Son, Skinner Street, Snow Hill; Charles Collins, Mitcham; Charles Collings, Bartholomew Close; Messrs. Brettle and Co., Wood Street; Messrs. Smith and Fenn, Aldersgate Street; J. M. Hatfield, Albany Street, Regent's Park, and Carnaby Street; Thomas Lindfield, Stanhope Street, Hampstead Road; J. W. Borradaile, Fenchurch Street; T. J. Richards, Orchard Street, St. Luke's; J. Wightman, Bread Street; W. Stanley, Carthusian Street; Messrs. Smith and Son, Albion Buildings, Bartholomew Close; Messrs. Holmes and Aubert, Little Britain; S. Wells, Shaftesbury Terrace, Pimlico; Messrs. Crisp and Co., Bermondsey; Mr. Fowler, St. John Street; C. Dear, Shoreditch; Messrs. Milner and Sons, Crispin Street, Spitalfields; H. Baxter, Bartholomew Close; W. Ford, Wood Street; W. Whiteloch, Northampton Street, Clerkenwell; Messrs. Hall, Brothers, Red Lion Street, Spitalfields; Messrs. Christy and Co., Gracechurch Street; Messrs. Brettle and Co., Belper; W. Eaton, Jewin Crescent; Messrs. Downing and Co., Knightsbridge; Messrs. Borradaile, Sons, and Co., Fenchurch Street; Messrs. Watts and Harton, Shoe Lane; Messrs. Burls and Co., Little Love Lane, London; J. West, Princes Street, Bedford Row; J. Cragg, President Street East, King Square; J. Sanderson, Silver Street; Messrs. Bailey, Holborn; Messrs. Howard and Co., Old Street, Saint Luke's; Messrs. Lorkin and Penson, Aldersgate Street; Susannah Cocks, Snow Hill; R. Parry, Golden Lane, Saint Luke's; Messrs. Wilson and Swale, Hanway Street; Messrs. Kidd, Glemmill, and Co., Tottenham Court Road; Esther Du Bois, Lyncombe Hill; J. Cheshir, Gravel Lane; and Messrs. Partridge and Price, Cheapside: of inhabitants of Hill; Berkeley; Torquay; Clapton (two petitions); Kilkeel; Yeovil; Wokingham; Annandale; Rockampton; Saint John, Hampstead; Finsbury (two petitions); Old Kent Road; Hackney (two petitions); and Cheltenham; and of persons signing (five petitions).—Read, and ordered to lie on the table.

EDUCATION (NATIONAL).

LORD SEGRAVE presented a petition in favour of the plan recommended by the Privy Council,—of inhabitants of Gloucester, assembled at a public meeting.—Read, and ordered to be received as the petition of R. Harward, Captain R. N. (the chairman), who, only, has signed it.

FOREIGN FRUIT.

The DUKE of RICHMOND presented a petition against the importation of, unless upon payment of a duty sufficient for the protection of the home grower,—of owners and occupiers of fruit plantations in the neighbourhood of Gravesend.—Read, and ordered to lie on the table.

CHURCH DISCIPLINE BILL.

LORD REDESDALE presented petitions against,—of clergy of Grantham and its vicinity; of members of the Bath Church of England Lay Association; and of Arthur Perceval, rector of East Horsley, and H. Townsend Powell, vicar of Stretton on Dunsmore.—Read, and referred to the select committee on the Bill.

EDUCATION (NATIONAL).

The BISHOP of LINCOLN presented pe-

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titions against the plan recommended by the Privy Council, — of inhabitants of Deeping Saint James; Ottery Saint Mary; High Rooding; Henley in Arden; Beaudesert; Wolverhampton; Dodington, Wapley, Codrington, Dyrham, Hinton, West Littleton, and Marshfield; Brecknock; and Wootton Wawen. — Read, and ordered to lie on the table.

SABBATH.

The EARL of RODEN presented petitions for the better observance of, and for suspension of the business of the Post Office on the Sabbath, — of inhabitants of Dalbury and Trusley; Brailsford; Hanley and Shelton Potteries; Codnor and Loscoe; and All Saints, Derby. — Read, and ordered to lie on the table.

CANADIAN PRISONERS.

LORD BROUGHAM. — I rise, pursuant to the notice which I gave yesterday, to present a petition from certain Canadian prisoners who are at present in custody in this country. They complain of having been unlawfully condemned to be transported to a penal colony; and I feel it to be my duty to call the attention of her Majesty's Government to the circumstances of the petitioners' case. In bringing the subject under your Lordships' notice, I cannot do better than quote the statement of the petitioners themselves; for I never saw a more lucid, a more clear, or a more perspicuous statement of facts. With one of the petitioners — Mr. Parker — I have had some communication; and I have reason to believe that that individual has filled a most respectable station in society. With regard to others, with whom I have had no correspondence, I understand that they, also, are persons of respectability. The petitioners state that they were committed, in the latter end of the year 1837, upon a charge of high treason. Parker, and the greater number of the petitioners, were in prison on the charge of treasonable practices before any outbreak took place; and therefore they could not have been actively connected with the insurrection. Others of them, some weeks after the matter came to the issue of open force, surrendered to a gentleman of the name of Head, under the impression that they should receive an unconditional pardon. It was found, however, that the Governor did not possess the power to grant pardon in cases of treason; whereupon an Act was passed in the province of Upper Canada, enabling him to grant pardon to those who should confess their offence, accompanied by such conditions as he might think proper to affix to that pardon. The petitioners state that, while in prison under *duresse*, and suffering great distress from the rigour of their confinement, and the extreme severity of a Canadian winter, they were informed that an Act had been passed (the existence of which they only knew through casual information) which was represented to them as an Act to enable the Governor to pardon treasonable offences; but they most positively aver — and they challenge any proof, if such proof can be adduced, to the contrary — that they were not, at the same time, informed of the conditions which the Act authorised the Governor to exact from those to whom he might be pleased to extend pardon. Here were men in prison suffering under the restraints of what the law calls *duresse*, and suffering, also, from the extreme rigours of a severe American winter; and, while thus situated, they were told by some one or other that an Act had been passed enabling the Governor to pardon them for the commission of any offences, which they might choose to confess; but they were not told, as they ought to have been, at the same time, that the Governor was enabled by that Act to annex to his pardon, consequent on their confession, any conditions whatsoever. If they confessed the crime whereof they were accused, they were assured that they would receive pardon; but they did not know that any conditions would be annexed to that pardon. They were thus induced to petition the Governor; but they were not at all aware of the penal consequences of such confession. They were, in the first instance, apprised that an Act was passed under which they might receive pardon; but they were not apprised of this power of annexing conditions thereto. They were told, in fact, that if they made a confession, they should receive pardon, and, as they supposed, unconditionally; — for the power which was given to the Governor to impose conditions was suppressed. The petitioners say that, listening to garbled statements, to misrepresentations in law and in fact, they were induced to petition for pardon. In their case, the suppression of information was as fatal as if a fiction had been invented, and an absolute lie told to them. The petitioners allege that, under these circumstances, they did petition, and they did confess; and they were afterwards treated, not according to the law as it had been announced to them, but according to the law as it had been concealed from them, — by

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conditions being annexed to their pardon, of the existence of which they were completely ignorant. And when and where did they hear of those conditions? In Canada? In Montreal? On the passage? On landing? In London? In Newgate? When they came up for judgment? No; but, for the first time, they became acquainted with these conditions when, on the floor of the Queen's Bench, they heard the warrant read on which they had been transferred from Upper to Lower Canada, and from the latter province to Liverpool, whence they were, by *habeas corpus*, brought up to London. Such is the outline of their case. The petitioners state that they never were arraigned, never tried, never convicted, never sentenced; and it was admitted by the Queen's Attorney General, and by the Bench, that they could not be considered as convicts. That fact ran through the whole of the argument in the Queen's Bench and in the Exchequer. The petitioners state that the penal settlement of New South Wales is intended for convicted criminals; and that they, not coming within that description of persons, are not liable to be confined in that colony under the 6th of George IV. The petitioners further observe that, if the *duresse* under which they are placed do not render their confession void, still the law of England does not admit of transportation on confession, unaccompanied by arraignment, and by acquiescence on the part of the parties accused. In the judgment which was given in their case, the Bench said that,—

Looking to the argument, it appeared that the prisoners had been indicted for high treason committed in Canada, and that they had confessed. But, under that confession, they were not liable to transportation to Botany Bay, but might be tried for treason in England; that they were then in the custody of the gaoler of Liverpool, and could not plead their pardon; but that it was to be inferred that the Government would take proper measures to have them prosecuted for high treason in England.

The judges thus threw upon the Government the ascertainment of this matter of law,—whether those prisoners were liable to be transported, or not? and if not, whether they should be tried for high treason, here? The petitioners declare that the pardon never was agreed to by them, and that the terms of such pardon were not known by them till judgment was given on the return to the writ of *habeas corpus* in the Courts of Queen's Bench and Exchequer. They state, that although they never gave their consent to the pardon, and, although they renounced it, still they have reason to believe that an intention exists, on the part of Government, to send them to Botany Bay, as if they had been regularly tried and convicted, or as if they had accepted the pardon, knowing the conditions that were annexed to it. Government is thus taking advantage of a confession, procured by *duresse* — or, as the law calls it, by force and fraud. This is the first time in the history of English law, in which a prisoner was not allowed to plead. It is the first time when, forcibly and against his will, an attempt was made to remove a man from England, who is not a prisoner under any Transportation Act, passed by the British Legislature. The petitioners proceed to set forth the evils which will arise from the abuse of the power thus asserted, and the grievances under which they labour, in consequence of the exercise of that power in their case. They therefore call on your Lordships to correct the law, so as to afford protection to those persons who are about to be forcibly removed, by the Government, from this country, without due proceedings being had at law; that those persons shall be allowed a legal trial; and, finally, that your Lordships shall provide, by law, that the returns to writs of *habeas corpus* shall be accompanied by some verification of the facts set out, and all documents connected with the committal of persons on whose behalf the writ of *habeas corpus* is sued out. I can, myself, answer for the accuracy of the documents referred to in the petition. As to the confession of the petitioners, — the suppression of an important point — the *duresse* under which they were placed when pardon was offered to them, and the conditions which were annexed to it, — these are matters with respect to which the petitioners challenge inquiry, and of which I, myself, know nothing. As to introducing any declaratory law, with reference to the operation of the Habeas Corpus Act in this country, I am relieved from the necessity of making any proposition of that nature by the decision of the Court of Queen's Bench, when, to the astonishment of the country, — to the astonishment, I believe, of the court itself, — that extraordinary gloss was, for the first time since the reign of Charles, attempted to be put forward by the counsel for the Crown, at the time that the case of the petitioners was discussed. For the first time, but in vain, they attempted to put forward that gloss, which, if it had been allowed to prevail, would have torn up by the roots the se-

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curity which is afforded to the liberty of the subject by the Habeas Corpus Act. I was astonished when that attempt was made, considering that we were well on in the 19th century, after a century and a half of experience, when all judges, sitting single, sitting in chambers, sitting at *nisi prius*, or more solemnly sitting in *banco*, — when the authority of all the text writers on the laws and constitution of England — when all the *dicta*, decisions, and legal authorities — ran in a directly contrary course, — when that protecting law had been made the general theme of panegyric, — when it was looked upon as setting the seal of glory on our name and nation; — considering all this, I was, indeed, astonished that at such a period an attempt should have been made, by putting forward an untenable proposition, to tear up by one of its roots — that root which had struck most deeply into our soil — the liberties of the people of England. The attempt of the Attorney General met with the fate which it so well deserved: he was heard; for there is no proposition so monstrous that can be made, no doctrine so tyrannical that can be broached, no point of law so utterly in the face of all law that can be attempted to be established before the judges, that they are not doomed to hear urged, and bound with patience to listen to. But the Court was never guilty of the gross absurdity of making itself responsible for this new-fangled doctrine, by calling on the other party, the prisoners, to answer to the argument. The Court, at once, without a moment's delay, — without the adjournment of a quarter of an hour to look into the statute, much less into the books, — unanimously rejected the learned counsel's exposition, and decreed that the Habeas Corpus Act should stand as it had hitherto stood, and at once stated that there was no shadow of foundation for this new, tyrannical, and monstrous interpretation. Therefore these prisoners have not to call on your Lordships to declare that the Habeas Corpus Act, hitherto the security of their liberties, is no longer waste paper; for it would have been waste paper if that gloss had been allowed to be put on it which was attempted. The Court of Queen's Bench have saved your Lordships the ignominy (I may call it) of having to declare, at the end of a century and a half, that an Act passed in the time of Charles II. to secure the liberty of the subject is unavailable now to secure the person! But your Lordships have a case, here, well deserving of consideration; and I hope you will think well before you listen to the construction of other Acts of Parliament, coming from the same quarter from which proceeded that construction of the statute of Charles II. which met with the signal discomfiture I have stated, by the Court of Queen's Bench, before whom the boldness was exhibited of putting forward such an exposition. I would have my Noble Friends well to consider, when they look at what they have before them. They have not a shadow of authority for this proceeding; all the authorities are the other way. They are left entirely to trust to the opinion of the Crown lawyer, the Attorney General, the discomfited inventor of a novel construction of the Habeas Corpus Act — of him, against whose construction of that Act the Court of Queen's Bench gave a unanimous, but I say, an indignant judgment, — upon his authority it is, if at all, they are about to decide that by law they are entitled to transport these prisoners. I would, therefore, not have them to think twice, but many, many times, before they adopt that construction of the law. They have no judicial authority for it; I have reason to believe they will get none; I have reason to believe that they will get an opinion to the contrary, if they have any means of asking it: I have reason to believe that, if the Court of Exchequer had been pressed to decide that point, which they could not decide upon, I have reason to suspect they would not have got an opinion that would have legalised that transportation. That is my view of the matter. I have still more reason to suspect that they would not have got the opinion of anything like a large proportion of the judges to that effect. But these are conjectures about the question, with regard to which I shall give no further account than to state, that so far as I have examined the case, and so far as some Learned Friends of mine with whom I have conferred have examined it, we are of opinion that the Government has no right to transport these men; that if they transport them, an act utterly illegal, in the teeth of the law, will be perpetrated by them. Nevertheless, the opinion of a Crown lawyer, — even of one discomfited so signally and so recently, — the opinion of that Crown lawyer is always deserving of very great deference; and on that opinion it may be thought prudent and safe to act. If so, I may remind the Government of another circumstance, — and it is the last to which I shall call attention. There were many, many men, taken prisoners with arms in

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their hands, in the height of rebellion, in open commission of high treason, fighting against the subjects—ay, fighting against the troops — of the Crown; every one of these has had the benefit of the amnesty — every one. Two or three of these persons, on the other hand, have come in under Sir Francis Head's amnesty, under a general profession of pardon; but they complain that there is annexed to that a condition of transportation for life, which, if they had known, they would never have accepted; they would have remained in the woods. They now ask to be tried. They say, "You have annexed a condition to our pardon; try us, and let a jury of our country decide our punishment — we don't care whether in Canada or in England, but try us." Why should these poor nine men be sent to New South Wales, while all those who were taken with arms in their hands,—*flagrante bello civili* — every one of them, have been pardoned — not one of them has been punished? And these nine, all but two or three, were physically incapable of having arms in their hands, because they were in prison. Why should they not have the benefit of an amnesty which has thus been granted? By accident, the guilty have escaped. I shall now leave the case with her Majesty's Government, in whose hands the fate of these prisoners rests.

The MARQUESS of NORMANBY.—Consistently with my duty, it is impossible for me to make any comment on the petition which has been read to your Lordships by the Noble and Learned Lord, for this reason — many of the allegations it contains are under the consideration of her Majesty's Government at the present moment. No decision has been yet come to on the subject. I only entreat your Lordships to recollect that what has been stated and read in the petition, are the statements of parties deeply interested, who, of course, make the best of their own case. That case has been very ably commented on by the Noble and Learned Lord, and has been very elaborately stated by some one for them. Many of its allegations having come, for the first time, under the consideration of her Majesty's Government; they require considerable investigation, some reference, and much advice; and therefore, in the present stage of the business, I am sure your Lordships will perceive that it would not be consistent to say more about it.

Read, and ordered to lie on the table.

CLERKS OF THE PEACE BILL.

LORD REDESDALE having moved the second reading of this Bill, —

LORD PORTMAN said: — As this measure is, in my opinion, likely to create many grievances, I hope your Lordships will not agree to it. A lord lieutenant of Worcester has left the kingdom without appointing a vice; and the object of the present Bill is, to provide a remedy in such a case, by enabling the county magistrates to appoint a clerk of the peace. Under this Bill, the clerks of the peace are not only to be "able and sufficient," but "instructed and learned in the law of England." I have asked the meaning of these terms, but it is extremely difficult to determine what "a person learned in the law" means; it may mean an attorney. If your Lordships would pass a clause to the effect that no lord lieutenant should leave the kingdom without appointing a vice, it would render useless this Bill.

LORD REDESDALE. — I admit that, probably, this Bill may never be acted on. One case only has arisen, in a number of years, which calls for such a measure; and the Bill, to which I cannot conceive any real objection, is brought forward to meet such a contingency.

LORD BROUGHAM. — This Bill, in my opinion, goes a great deal too far. It gives the magistrates of a county the power of appointing the clerk of the peace, though the lord lieutenant may be living in his own house in the next county. Now, I think it my duty to remind your Lordships that the best grounds for general laws are not single cases.

The EARL of HARDWICKE.—With the small amount of patronage which the lords lieutenants possess, I do not see why your Lordships should not allow them to nominate a vice, without that power being in the hands of the magistrates of counties. Upon the whole, I think this Bill aims a blow at the patronage which lords lieutenants possess, without any advantage being conferred on the public.

The EARL of HAREWOOD. — I think that the lord lieutenant might be compelled, on a penalty or otherwise, not to leave his county without appointing a vice lieutenant. I see no objection to that.

LORD PORTMAN. — I must confess

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that this Bill appears to me to be incapable of amendment. I shall therefore take the sense of the House on the motion.

The DUKE of RICHMOND. — The necessity for the Bill has arisen out of the fault of Government, in not removing the lord lieutenant of Worcestershire, and appointing another who would have performed what was required.

The question, that "now" stand part of the motion, resolved in the negative; and Bill ordered to be read a second time on this day six months.

CORN LAWS.

LORD KINNAIRD presented a petition for the repeal of, — of inhabitants of Auchterarder. — Read, and ordered to lie on the table.

RULES OF PROCEEDINGS (BOROUGH COURTS) BILL.

LORD DENMAN. — I beg to present to your Lordships an Act for regulating the borough courts of England and Wales. In the Bill on this subject, which was sent to the House of Commons, there was a defect which was suffered to remain, and which, therefore, renders it requisite to bring in a new measure. This being the case, there is no necessity for considering whether the amendments made by that House may or may not be proper. I would therefore submit to your Lordships the propriety of introducing the present Bill, which corrects the defect; and I trust that the House of Commons will allow it to pass in the form in which it will go to them. I now beg leave to move that the Commons' amendments be taken into consideration this day six months.

Agreed to; and Bill read a first time, and ordered to be printed.

SCOTCH CHURCH.

The EARL of GALLOWAY presented a petition against the further endowment of, — of inhabitants of East Kilbride. — Read, and ordered to lie on the table.

POOR LAW AMENDMENT ACT.

EARL STANHOPE. — I beg leave to present a petition from the clergymen of Horsmonden, Lamberhurst, Brenchley, and Goudhurst, in Kent, lying in three different unions, comprising 8000 souls. The petitioners express their hope that a searching inquiry will be made to discover whether the power vested in the Poor Law Commissioners has not been exercised in an arbitrary and capricious manner; they press the necessity of dispensing with the assistant commissioners, and the saving of expenditure to be effected thereby; they are anxious that all the provisions of the Poor Law Amendment Act shall be carefully examined, with a view to mitigate the rigour of its effects on the poor, whose interests it ought to protect; they are especially desirous that the bastardy clauses shall be got rid of altogether, for, say they, it is most unjust to visit the punishment on one only, and that the weaker, *particeps criminis;* they condemn also the hardship of throwing the expense of maintaining the child upon the mother, — and declare that these regulations have, it is to be feared, greatly increased the dreadful crime of child murder, without diminishing or checking profligacy; they esteem the refusal of relief at their homes, to deserving objects, a great hardship — it is in effect to punish poverty as a crime; and they pray that discretionary powers may be vested in the boards of guardians to relieve such cases as, on investigation, may seem to them to call for relief. I only wish these sentiments were universally entertained by the ministers of the established church, and then no apprehension need be entertained for the security of that body. I need not say that I agree entirely with the reverend petitioners, and especially as to what they say of the bastardy clauses: and here I would observe of my Noble and Learned Friend (Lord Brougham), — without, however, meaning any disrespect to him, — that he seems to be one of those who strain at a gnat and swallow a camel; for I think it is rather remarkable, after all that your Lordships heard the other day from the Noble and Learned Lord of the depravity and demoralisation of beer-houses, that the Noble and Learned Lord does not dilate upon the demoralisation caused by the Poor Law Amendment Act. I maintain that the bastardy enactments have, in many cases, operated to give perfect impunity to the seducer; while they have caused, but too often, the suicide of the female, or the murder of the offspring. I distinctly charge all this on the New Poor Law. But this is not all; I have received a communication from a gentleman residing in the neighbourhood of these

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petitioners, who states that the workhouse of the Tunbridge union never had contained many more than 400 persons. But in last year, or rather from the 1st of February to the 31st of December, what was the number of deaths, does the House think? No less than 47 — that is to say, upwards of 11 per cent. This is the mortality of a workhouse under this system — 11 per cent. a-year, — while the individual to whom I have referred states, that in his own parish the mortality, on the whole, is only 2¼. A respectable person has informed me that the average number of persons in the workhouse of Horsmonden, last year, was 200, and of deaths 34, making 17 per cent. Now, I do think that it is absolutely necessary that a full and fair inquiry into these cases should take place, and that it should not be conducted by assistant commissioners, secretaries, and their dependents.

Read, and ordered to lie on the table.

EARL STANHOPE. — I now beg leave to present the petition of Thomas Coombs, which I read to your Lordships some days since. Perhaps, as it is a valuable document, and your Lordships may have forgotten some of the statements, it may be advisable to read it again.

LORD BROUGHAM. — Oh, no! God forbid! I hope my Noble Friend will have no objection to postpone this petition to another night. Surely, one petition is enough for one night. My Noble Friend has founded a lecture on the poor laws, which he seems determined not to allow to drop; but I hope he will now allow us a respite from a second on the same night. I would suggest to my Noble Friend that it would be a much fairer course to move at once for a repeal of the Poor Law Amendment Act, or to wait till the promised Bill for t he alteration of that measure comes before your Lordships, instead of attacking the general administration of the law from particular instances of alleged misconduct.

EARL STANHOPE. — This is the first time, during a parliamentary career of thirty years, I ever heard the presentation of a petition designated a lecture.

LORD BROUGHAM. — My Noble Friend forgets that that was the expression he himself made use of last year, — having declared that it was his intention to institute "a course of lectures on the poor law."

EARL STANHOPE. — I am not aware that any course I can take would be fairer than that which I am now pursuing, although it pleases my Noble Friend on this, as on all other occasions, to be facetious. I have lived on intimate terms with a man whose memory I shall ever revere, — who was one of the brightest ornaments of this House, — the late Lord Eldon. In one of the last conversations I had with that great man, who was snatched from your Lordships, to the infinite and irreparable loss of his country, Lord Eldon remarked, when speaking of the expediency of attempting the repeal of the New Poor Law, that "nothing could be done till the country was ready for it, which it would soon be." That was one of the reasons which induced me to postpone any general motion upon the subject; but, although postponed, according to a French proverb, it will not therefore be lost. In the mean time, I would beg leave to read to your Lordships an affidavit, which contains an interesting statement relative to the administration of the law in the parish of Wimborne. It is as follows: —

I, Anne White, wife of Silas White, of the parish of Wimborne Minster, do solemnly and sincerely declare, that in January, 1837, I applied to Mr. Henry Bartlett, one of the guardians of the parish of Wimborne, for relief.

I had then been confined about a month with my seventh child, and had no victuals nor money for myself, husband, and seven children. We were all starving, my husband not having been able to get regular work for some months. My landlady, Mrs. Wareham, accompanied me to Mr. Bartlett; when I told him how distressed we all were, and begged of him to give me something for my family (in all nine of us) to eat, for we were hungry enough to eat each other.

Mr. Bartlett said, he would not give me a farthing, if it was to save my life; and that I had better go home and make a pie of some of my children, and begin with this infant in my arms. Mrs. Wareham then asked him how he would like to see his daughter made into a pie, and whether he did not think that I had the same love for my children as he had for his? I then went away, without having any relief given me. And I make this solemn declaration, conscientiously believing the same to be true, and by virtue of the provisions of an Act made and passed in the sixth year of the reign of his late Majesty, entitled, "An Act to repeal an Act of the present Session of Parliament, entitled, 'An Act for the more effectual Abolition of Oaths and Affirmations taken and made in various Departments of the State, and to substitute Declarations in lieu thereof; and for the more entire Suppression of voluntary and extrajudicial Oaths and Affidavits, and to make other Provisions for the Abolition of unnecessary Oaths.'"

The + mark of ANNE WHITE.

Declared and subscribed at Wimborne, in the county of Dorset, this 13th day of April, 1839, before me,

ISAAC FRYER, a Master Extraordinary in Chancery.

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And I certify that the above declaration was read over and explained to the said Anne White, in my presence, previously to her putting her signature or mark thereto, and that she fully understood the same.

ISAAC FRYER, a Master Extraordinary in Chancery.

Now, as regards the present petitioner, he states that he has a wife and nine children, seven of whom are under sixteen years of age, and one only seven months old. Last summer, he earned 12*s.* a-week, but, for fifteen weeks previous to his addressing this petition to the House, was able to obtain no work. He applied for relief to the guardians of Westbourne union, of which he was an acknowledged pauper, but was refused, and directed to go to Portsea union, where he applied and was also refused. Having, at last, reached the degree of suffering which the assistant commissioner for Hampshire gives as the description of qualifying destitution, and thus become entitled, in the opinion of the Portsea board, to relief, he had for his family 4*s.* and three gallons of bread weekly; and for himself medical relief, and such nourishment as the surgeon prescribed. And, when he had recovered sufficiently to bear the journey, he was, with his family, removed to Westbourne workhouse, where they were first locked up in cold damp rooms, as if they had been guilty of some crime, and afterwards separated from each other. Thus insult is added to injury in the treatment of the poor. I now beg to move that this petition do lie upon the table.

The DUKE of RICHMOND. — With respect to the present petition, to which the Noble Earl, through the medium of the newspapers, has given a most extensive circulation, it is signed with the mark of Thomas Coombs, and witnessed by the Rev. Mr. Dewdney. It is evident that the petition, which is remarkably well drawn up, is the composition of Mr. Dewdney, and not of the petitioner. In anything I am going to say, I wish particularly to guard myself against being supposed to make any attack on that reverend gentleman, who, I believe, from all I have heard, is a very humane and very good man; but, somewhat like my Noble Friend, on the subject of the poor law, has taken a twist, and ——

EARL STANHOPE. — A what?

The DUKE of RICHMOND. — A twist; and cannot hear the question discussed without loss of temper, and having his judgment warped by his prejudices against the new system. The reverend gentleman has acted well by putting his signature to this petition, so that it cannot be said that it comes before your Lordships under false pretences. Coombs is a man who has been working in the Portsea union as a digger of brick earth, for 12*s.* a-week. His eldest daughter, who is sixteen years of age, is only able to earn 1*s.* 9*d.* a-week by making stays; and his next daughter is fourteen years old. Now, what I complain of is, that the man should have neglected to place his daughters, when they arrived at such an age, out at service. It is very easy for girls of their years to go to service, there being always a demand for them. No farmer can be expected to give wages large enough to maintain such a family; and, besides, to retain the eldest children at home at their years, is only to bring them up in idleness and light habits. I think that persons, situated as this man is, ought, in all cases, to put their children out to service; which, besides enabling them to earn something, fits them to become wives and mothers themselves. This man applied to the board of the Westbourne union for relief, and was told that he must go to the relieving officer of the union within which he resided. He was taken before a magistrate, examined as to his proper parish, and ordered to be removed thither; but, in consequence of the man's becoming ill, the execution of the order was suspended. When the man got well, he came to Westbourne, and arrived when the board of guardians was sitting. Here I will put it to the Rev. Mr. Dewdney himself, or any other gentleman, however strong may be his prejudices, to say whether the chairman and members of this board are not as respectable and humane men, and exemplary in the discharge of their duties, as can anywhere be found? I will venture to say that the farmers of the neighbourhood give their labourers as good wages as any in the country,— as good as my Noble Friend himself gives. The board was told that the man came from a place at a distance, and ordered him to be admitted into the workhouse; which is not, as the petition represents it, fitted up like a gaol, for it has no iron bars at the windows.

EARL STANHOPE. — The inmates are locked up.

The DUKE of RICHMOND. — I am ready to meet my Noble Friend on that point. The man was taken to the probationary ward. If the parties were not

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locked up, it would be impossible, among the lower classes, of seaport towns especially, to prevent the introduction and spread of infectious diseases. The man was put into the male side of the probationary ward, and his children into the female side. Instantly on this being done, a fire was lighted, and dinner provided for him. The doctor was sent for; he arrived soon after, and ordered him to be taken into the infirmary. The man had not been there more than an hour and a half, when his wife told the matron she wished to see her husband. The request was instantly complied with; she was taken into the infirmary, where her husband said he was very comfortable, and had nothing to complain of; on which she went back to sleep in her own part of the house. If they had been in a county infirmary, can my Noble Friend suppose that the woman would have been allowed to remain with her sick husband all night? It should be observed that the complaint of the petitioner as to separation would have applied as well to any other infirmary. On the following morning the woman again asked to see her husband, and was taken immediately, as before, to see him. I should like my Noble Friend to ask Mr. Dewdney whether he would give his word of honour as a gentleman, that he heard the statements With regard to the declaration which my Noble Friend has read to your Lordships, which he has put into the petition from the lips of the individual? I wish to ask Mr. Dewdney that question, as I am certain that that gentleman is a man of too high honour to reply in the affirmative if such be not the case. I do not believe that Mr. Dewdney took the statements from the lips of the petitioner, but from those of his wife. I object to the legality of the proceeding. I contend that the magistrate who took that declaration is liable to be fined for a misdemeanour. The intention of the Legislature, in altering the law on this subject, was expressly to prevent voluntary and gratuitous oaths; and the magistrate in question might just as well have taken a declaration about the ingredients of a pot of blacking, as the one which the Noble Earl has read. Now, I know for a fact, that the petitioner was heard to say, by one who was an inmate of the workhouse at the time, that he should like to spend a week in it very much; that his wife said that she would not have come to the union at all if she had not hoped the guardians would have given her out-door relief; and that, if they had, she hoped to have got assistance from other persons also. I deny that the rooms of the workhouse, as asserted in the petition, are cold and damp. I wish Mr. Dewdney had inquired a little more fully into its state. The guardians would be happy to allow the reverend gentleman to examine the workhouse. I will only add, from my knowledge of the wages and habits of meritorious labourers, that those who are determined to be provident, and take every means in their power to bring up their children in industrious habits, will always be able to rear a family. I know persons in the same situation as the petitioner, and with as large families, who have money in the savings bank.

LORD WYNFORD. — I wish to say a few words on the present petition, as there are allegations in it into which I think that the House is bound in duty to inquire. It is evidently impossible that a man and his wife, with a family of nine children, can be supported on a sum of 12*s.* a-week.

VISCOUNT MELBOURNE. — That has nothing to do with the poor law.

LORD WYNFORD. — The Noble Viscount will allow me to say that it has to do with the poor law. I am, at present, observing on the petition. I cannot say two things at one time. I maintain that it is impossible that eleven persons can be supported on a sum of 12*s.* a-week.

The DUKE of RUTLAND. — The Noble and Learned Lord has forgotten that the eldest child receives 4*s.* a-week, and that the eldest daughter receives 1*s.* 6*d.* a-week for staymaking; so that the man has 17*s.* 6*d.*, and not 12*s* a-week, for the support of his family.

EARL STANHOPE. — Occasionally.

LORD WYNFORD. — I do hope that no more petitions of this kind will be presented. It is not the way in which your Lordships can get at the truth. My Noble Friend near me tells one story, and my Noble Friend opposite (the Duke of Richmond) tells another. What positive conclusion can your Lordships come to under such circumstances? How are you to know whether the statement of the Noble Earl be correct, or whether that of the Noble Duke be incorrect? It is a mere idle waste of time to bandy these charges and these defences about on the mere presentation of petitions. If the guardians have acted as this petition states, it is clearly an indictable offence;

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but if they have acted as the board of guardians assert that they have acted, then the board have performed their duty with great humanity. If the petitioner died upon the snow, then the reverend gentleman who drew up this petition has stated the law correctly, when he says that such neglect would have been manslaughter at least, if it had not been murder, on the part of the relieving officer. Now, it is my deliberate opinion that if the reverend gentleman would bring a case of that sort before a jury, it would do more to stop the present abuses in the administration of the poor laws than all the petitions which may be presented to your Lordships against them. If the parties indicted were acquitted, the public would no longer be abused with these stories; if they were convicted, their convictions would prove, more clearly than anything else could do, the existence of the alleged abuses. If a man neglect his duty as relieving officer, and if, in consequence of his neglect, the poor either suffer in health, or are put to any inconvenience to which, legally, they ought not to be subjected, —as, for instance, in one case of which I was, myself, cognizant, where an individual was ordered to travel 100 miles, before he could obtain relief, — there can be no doubt whatever that matters of that sort might be investigated upon an indictment, and that they might, even, be made the subject of civil action also. Now, such a mode of proceeding would bring the point at issue to a speedy termination; and it would have this advantage, besides, —that it would be clearly understood and shortly decided. I could mention many cases of hardship; but I will content myself by calling your Lordships' attention to one, which occurred in Suffolk, and which was proved before your Lordships' committee last year. A relieving officer walked into a house, where he found a poor man of the age of ninety lying in his bed in the last state of infirmity and destitution. Now, when this case came before the committee, I asked the officer in question why he did not allow this man proper relief? He answered, "I intended to do something, but there was not time." "Was not time!" said I; "why not?" The reply was, "The man died." "How long did he live?" — "Five days." "So you thought proper to leave a human being in the state that you, yourself, have admitted this poor man to have been in, without even calling the attention of the board of guardians to the case, without permitting him to have a change of linen, or without doing one thing to relieve the wretched sufferer?"

My Lords, would it not have been better to have presented an indictment, rather than a petition, against this officer? If an indictment had been presented, and had been followed up by a conviction, it would have prevented this monster from remaining in his situation as relieving officer. I hope, therefore, that in future, parties who complain of abuses under the poor laws, instead of petitioning, will punish, by criminal proceedings, the individuals whom they can prove guilty of these malversations. For my own part, I am not an enemy, generally speaking, to the present poor laws. There are many things in them of which I approve highly; but there are also many things of which I disapprove as strenuously; — for instance, I am not in favour of the bastardy clauses, which have been productive of great injury to the country already, and which will be, I fear, productive of still more. It is not my intention to renew the Bill which I introduced on this subject last Session, though I think that measure, and one even still larger, is required by the circumstances of the country. I am too old and too infirm to enter upon such a task, now. But a new Bill, I trust, will shortly be brought in by my Noble and Learned Friend opposite (Earl Stanhope); and then the three kings of Somerset House, as they have been called, will, of necessity, lose their thrones. If such a Bill be brought in, I hope that a clause will be introduced into it, by which the people of England will be placed on the same footing with the negroes in the West Indies. It is deemed consistent with British justice that stipendiary magistrates, quite independent of the planters, should legislate between the negroes and their employers. I therefore trust that there will be no objection to give to the poor of England some mode of appeal from the boards of guardians to an independent tribunal; as it is not fair to leave them entirely at the mercy of a board of guardians, who are generally their employers, and who must always relieve them out of their own pecuniary resources.

The DUKE of RICHMOND. — The petition alleges that this man, with his nine children, were all sent to the workhouse. Now, it appears, even from the statement of the Rev. Mr. Dewdney, that only eight of his children were sent there. The Noble Earl also admits that one of the man's children earns 4*s.* a-week, and that his eldest girl earns 1*s.* 7*d.* a-week

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by staymaking. He has, therefore, no right to argue this as a case where only 12*s.* a-week is the income of the man and his family. For my own part, I must say that I do everything in my power to influence the farmers to give good wages to their labourers, not only as a matter of fair dealing to the workmen, but also as a matter of economy to themselves. What I complain of is, that none of the denouncers of the present system of poor laws, and of its mode of administration, have ever ventured to present an indictment against any of the boards of guardians whom they abuse so lustily. Why does not the Noble Earl opposite, if he believes these charges, present a bill of indictment against the guardians of the Westbourne union? I challenge the Noble Earl to present such a bill against them. Why are they to be shown up, night after night, by the public press, at the suggestion of the Noble Earl, when they have no one present in this House to defend them? I ask the Noble Earl to prosecute those respectable gentlemen. On their part, I defy the Noble Earl to do his worst; but the Noble Earl knows well that prosecute them he cannot, for nothing wrong have they done. My Noble and Learned Friend says that there is no appeal from the decision of these boards of guardians. I think that I heard my Noble and Learned Friend speak of the three "dictators" who overrule the proceedings of these local boards. Those three "dictators," as my Noble and Learned Friend calls them, stand to the poor in this country in the same relation in which the stipendiary magistrates he speaks of stand to the negroes in the West Indies. They are not appointed by the ratepayers, but by the Government; and their regulations must have the sanction of the Secretary of State for the Home Department, or else they are invalid. I declare that if I had known of any instance of inhumanity occurring in the execution of this law, in the county of Sussex, I should have felt it to be my duty to prosecute, at my own expense, the party guilty of it. I recollect the case, in Suffolk, to which my Noble and Learned Friend has alluded; and I must say, that to me it appears that the overseer was right in law, though he was wrong in practice. The overseer, in that case, asked the man whether he would have a surgeon; the man said, No. Nevertheless, under all the circumstances of that case, I think that the relieving officer would have done his duty, better, if he had sent a surgeon to the man's house, — no matter whether he wished it or not. If the presentation of petitions of this kind is, as my Noble and Learned Friend has justly said, highly inconvenient, it is still more inconvenient to have quoted, on a sudden, cases which rest upon evidence that none of your Lordships have read for some time. I again challenge the Noble Earl to present an indictment against these guardians, if he really think they have been guilty of the conduct which he has imputed to them. Let him present it when and where he likes. Let him even put Mr. Dewdney into the jury-box, and I am sure that, when that reverend gentleman examines the whole matter calmly and carefully, he will agree with me in saying that the guardians of the Westbourne union have done nothing harsh towards this petitioner.

LORD WYNFORD. — The relieving officer, in the Suffolk case, walked into the house of the poor man, and saw with his own eyes his state of utter destitution. It was, therefore, his duty to relieve him, — for the law of England is founded on Christianity, which is itself a law of humanity. I repeat that, under the existing poor law, there is no appeal from the board of guardians, who at present exercise a power absolutely uncontrolled.

EARL STANHOPE. — The Noble Duke considers my reverend friend Mr. Dewdney to have the same "twist" on the New Poor Laws that I have? I am proud to say that I concur with my reverend friend Mr. Dewdney, with my reverend friend Mr. Bull, of Bradford, and with many other reverend gentlemen, in their statements respecting this atrocious law. But is it a logical conclusion on the part of the Noble Duke, to assume that, because Mr. Dewdney is mistaken as to the operation of the New Poor Laws, he is therefore mistaken as to the facts of the present case? Is it a logical conclusion to assume that the information contained in this petition was derived, not from the mouth of the petitioner himself, but from that of his wife? I know, not only that Mr. Dewdney received that statement from the petitioner himself, but also that he examined and cross-examined him closely as to every word that it contains. As soon as my reverend friend discovered that he had not given me correct information upon the earnings of the man's family, he communicated his discovery to me. I repeat, however, the statement, that, during fifteen weeks, the petitioner was without an opportunity of getting work; and that at last, nature being exhausted, he fell down in a fit before he got to Westbourne.

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The DUKE of RICHMOND. — Then there is an end to the charge against the board of guardians at Westbourne; for you admit that this exhaustion and this prostration of the powers of his constitution took place before he asked them for relief.

EARL STANHOPE. — The poor man had then arrived at that state of suffering which, according to the declaration of the assistant commissioner for Hampshire, constituted a sufficient test of destitution, — for he was ready to die of starvation in the streets. I know persons in whose presence the atrocious, inhuman declaration, of which we complain, was made; and I am ready, if your Lordships please, to prove it at your bar. The Noble Duke may, perhaps, give another version of the story; but I should like to know whether the evidence on which that version rests did not come from persons liable to be warped by that spirit of intimidation to which reference has been made already in the course of the debate. My Noble and Learned Friend (Lord Wynford) seems to think that the presentation of petitions is unnecessary, and that that is not the best mode of leading to the investigation of such matters. But I contend that it is the duty of this House — which I trust your Lordships will never deviate from — to throw open, widely, your doors to receive the petitions of the people. My Noble and Learned Friend recommends the adoption of legal proceedings; but cases of this sort are so numerous, as well as flagrant and atrocious, that, if investigated in courts of law, no other business could possibly be proceeded with. But who is to bear the expense of such proceedings? Whilst protesting, as I always have done, against this execrable and unchristian enactment, I must own my objection to it does not depend on particular cases, — though these are as thick as leaves in autumn; and I am aware that I shall always be met with the answer, that, although the Bill may operate to the injury and oppression of individuals, still it has been productive of good. My objections, however, point to the principle of the Bill; and, whoever send their petitions to me, may depend on my discharging my duty by presenting them. It is for your Lordships to consider what course you will adopt; — whether you will not renew the committee of last Session, which might have been productive of good if it had been duly conducted, — not in the quibbling and pettifogging manner that it was managed in, — overloading the minutes with useless matter, and merely attempting to confound and confute the opinions of witnesses, — so that of their Report, after all this preparation, it might be said, *nascitur ridiculus mus?* Few persons would take the trouble to read, and none to present, a digest of such a document. I think it your Lordships' duty not only to receive, but patiently and deliberately to examine, every allegation in the petitions which are presented upon this important subject. I, at least, will discharge my duty with firmness, — at the same time giving, as I am bound in fairness to do, every opportunity in my power, to those who are affected by the allegations made in such petitions, of making what answer they can.

VISCOUNT MELBOURNE. — I do not rise for the purpose of prolonging this debate, being very much of opinion with the Noble and Learned Baron opposite (Lord Wynford), that, if your Lordships were to continue it for three hours later, you would not be likely to arrive at any more satisfactory conclusion, or more clear conviction in your own minds, than I apprehend you are already in possession of. But, as the Noble and Learned Lord has repeated the declaration made by the Noble Earl, which is altogether erroneous and injurious to the character of a person of the highest respectability, and who discharges the duties of the office he holds in the most exemplary manner, I cannot help reading to your Lordships that gentleman's own explanation of the expressions which have been attributed to him. The Noble Earl has attributed to the assistant poor law commissioner of the district, Colonel A'Court, the statement that a man had no right to relief until he had actually fallen down in the street dying from destitution, exhaustion, and inanition. Such a statement, when attributed to a person like Colonel A'Court, is altogether unlikely and improbable. But it never was used by him. His own account of the matter is this: —

As regards the expressions which Thomas Coombs has attributed to me, as my definition of destitution, — at this distance of time I cannot charge my memory with the exact words which I may have made use of; but I perfectly well recollect observing, on a discussion as to the relative duties of relieving officers and overseers, that it was very desirable that all out-door relief should be administered by the union officers, but that cases might occur in which it was absolutely necessary that an overseer should interfere. As an illustration, I may very possibly have cited the case of a wayfaring man suffering from exhaustion in the streets as one of many which the P[illegible] overseers were compelled to

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provide for, notwithstanding the appointment of a resident relieving officer. The question was not as to the interpretation of the term "destitution," but I had in my mind reference solely to such cases of emergency as parish officers were bound to take cognizance of in the absence of the paid officers of the union. It is hardly necessary for me to declare that I never for an instant intended to convey the impression "that a man must be ready to drop in the street before he could be legally entitled to parish relief."

Your Lordships will at once see the manner in which these expressions were used by Colonel A'Court. They were not intended as a definition of the situation to which a man must be reduced before he can claim relief, but as a statement of the case which would justify the parish officer in interfering, when otherwise he would not be justified in so doing in the absence of the paid officers of the union. The Noble Earl, therefore, who must have spoken inadvertently or upon misinformation, has evidently attributed the expression to Colonel A'Court in a sense it was never intended to bear.

The DUKE of WELLINGTON.—My Lords, I am very happy to hear the explanation which has been given by the Noble Viscount. I did not know the name of the assistant poor law commissioner to whom reference has been made; but knowing pretty well all those who fill that office in Hampshire, I was perfectly certain that none of them were capable of making use of such expressions as those which have been quoted on the present occasion. This, however, is only another example of that which has frequently come under our notice in this House;—I allude to the facility with which facts of this description are alleged in petitions against the Poor Law Commissioners and other parties, which, upon investigation, turn out to have little or no foundation in truth, and the evidence to which is as little confirmatory of the original statement as the circumstances which have been so satisfactorily explained by the Noble Viscount prove to be in relation to the charge against Colonel A'Court. I really think it would be very desirable if the Noble Earl would attend to the recommendation of my Noble and Learned Friend behind me (Lord Wynford), who has urged him to bring in a Bill to alter this law, and see what he can do in the way of its amendment. I have been long enough in Parliament to recollect that, before the present law passed, there were not less than half a dozen attempts made, by some of the greatest men this country ever produced, to amend the system of poor laws. Among others, one person for whom I know the Noble Earl entertained the greatest respect,—the late Mr. Pitt,—endeavoured to amend these laws, but failed,—and for a reason which, I believe, occasioned the failure of every attempt to alter them, until that which was successfully made within these five years, when the present Poor Law Amendment Act was passed, principally by the exertions of the Noble and Learned Lord (Lord Brougham), who was present at the commencement of this debate, but who has since left his place. The real truth of the matter was this;—that in every parish in the country there existed some abuses, I will venture to say, a hundred times greater than any of those which the Noble Earl has brought forward in any of those petitions, with which he entertains your Lordships upon every vacant day that presents itself. In every parish, I repeat, there were abuses; and, in each, abuses founded upon a different principle from those existing in some neighbouring parish; so that no law could be devised to remedy them,—for the measure which would apply to parish A, instead of removing the abuses existing in parish B, would only have tended to aggravate and render them intolerable. At length an Administration, of which the Noble Viscount was a member, took up the matter. There was a very general and searching inquiry into the whole state of the administration of the poor laws; the result of which was, that the present measure was arranged and produced to Parliament. It passed both Houses in a very short space of time, and, I believe, on the principle there was no division whatever, and hardly a difference of opinion, in this House; I believe there was none in the other House of Parliament, and very little difference of opinion was expressed upon any part of the details. With respect to the administration of the law, I have observed it in different parts of the country, and I must say that its administration has been entirely satisfactory, and most particularly to those parties who are likely to become its more immediate objects. That part of the law of which the Noble Earl and the Noble Baron behind him complain most,—namely, the existence of the Poor Law Commissioners,—is, in my opinion, the most important part of it. The truth of the matter is, that the abuses in the administration of the poor laws were so numerous, so various, and, at the same time, so inveterate, that it was absolutely impossible to get the better of them without the constitution

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of some central authority which should superintend the execution of the law,—taking care that it was duly administered, and that those intrusted with its execution in the country did not infringe upon its provisions. Such, I believe, was the object of the institution of those boards of guardians and commissioners. Every measure has been adopted to secure the publicity of the Reports, to enable Parliament to acquire a knowledge, at any time, of all their transactions in reference to any particular subject; and I must say that the part of the conduct of the Noble Earl that astonishes me most, is this; — that while he can, at any time, acquire the means of ascertaining the truth upon any given point which he takes up, — instead of moving for the production of the papers and correspondence, and finding out precisely what the real facts are, he goes into detail of all the allegations in a petition, producing exaggerated statements on the subject; and is thus guilty of all the injustice of doing an injury to the reputations of those persons whom he traduces.

The DUKE of RICHMOND. — I rise to move, — in order to afford the Noble Earl an opportunity of reply, — "That there be laid before the House a copy of examinations by the clerk of the Westbourne union in the case of Thomas Coombs, and a statement of the circumstances relating thereto." I will only say, in reference to the allegation which has been made by the Noble Earl as to the expensive character of proceedings in a court of law, that if the Noble Earl will consent to prosecute the Westbourne guardians, I will undertake to pay the whole of the expense, if they be found guilty, — on condition the Noble Earl will pay the whole of it, if they be acquitted.

EARL STANHOPE. — I really feel at a loss to conceive what notions of justice are entertained by the Noble Duke (the Duke of Wellington), when he complains that those worthy and excellent persons the Poor Law Commissioners are falsely calumniated and reviled, because those who suffer under the severity of their administration venture to call the attention of the Legislature to the circumstances of their case. I must also be allowed to say, in answer to another observation of the Noble Duke, that I am not a public prosecutor; nor, as I have repeatedly stated, do I rest my opposition to this accursed measure on individual cases, however aggravated they may be. The Noble Duke has referred to the various attempts which have been made to amend the poor laws. I deny that there was any failure on the part of that great Minister, whose memory I revere as the greatest statesman — without disparagement to any in modern times — whom this country ever produced, — whose councils I hope will always be followed, — and who, if he had been spared by Providence, would have preserved this country from those dangers which now encompass it on every side. The plan which that great Minister proposed, it should be recollected, was different as light is from darkness from the provisions of the Poor Law Amendment Act. In December, 1796, his system was brought forward. In the following year a variety of calamitous events occurred; and, amongst others, the suspension of cash payments by the Bank of England. Mr. Pitt's attention was naturally absorbed by these, and he did not find it possible to proceed with his Bill. But the measure so proposed cannot, therefore, be called a failure. The Noble Duke has called upon me to bring forward a Bill, similar to that introduced last Session by my Noble and Learned Friend (Lord Wynford), to amend the poor law. He has, no doubt, considered well in what respects the present Act should be amended; but I think the most convenient mode of discussing the subject would be — by resolutions, and not on the introduction of a Bill. I intend, therefore, to lay on the table the resolutions which I think desirable to be proposed, and which I shall move be printed for consideration on a future occasion. As to the expense of prosecuting the Westbourne guardians, I decline accepting the sort of "bet" offered — I can view it as nothing else — by the Noble Duke opposite (the Duke of Richmond). Undoubtedly, it is quite competent to any person who thinks himself injured to appeal to a court of law; but the expense, inconvenience, delay, and difficulty, considering the intimidation which prevents witnesses coming forward, are such as might well deter any one from resorting to that mode of gaining redress.

The DUKE of WELLINGTON. — I did not call upon the Noble Earl to assume the character of public prosecutor; but, if he think proper to accuse people, he should take care to do it in such a shape as to enable them to defend and justify themselves if they are not guilty. That would be but just on the part of the Noble Earl; it is not just to come down to this House, night after night, and accuse gen-

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tlemen, without taking those steps which would enable them to justify themselves. When the Noble Earl makes statements such as the House has this night heard, I think that those statements ought to be accompanied by a motion respecting some one particular case. The House ought to have the papers, on both sides, before them — the defence as well as the charge. Thus, and thus alone, can your Lordships be enabled to see who are right and who are wrong. That which I now desire to say upon the subject is, — that the Noble Earl gives a most exaggerated view of one side of the question; he gives the case strongly against individuals who are not present to defend themselves. He makes charges in the most exaggerated terms, and will not listen to any defence. He refuses to the parties accused those documents which are necessary for enabling them to make an effective defence.

EARL STANHOPE. — I deny that I have done anything of the sort.

The DUKE of WELLINGTON. — It is true, though; and I heard the Noble Earl say, the other night, that he would not send the papers to the commissioners, because he would not give an opportunity to "the dictators," as he called them, of knowing with what they were charged.

EARL STANHOPE. — The papers to which the Noble Duke refers are already before the House, and the defence of the commissioners has already been sufficiently made by the Noble Viscount. I have not been guilty of any refusal of documentary evidence to the commissioners. I declared, and I acted upon that declaration, that all due publicity should be given to the papers in question; but at the same time I added, that I should not hold any direct communication with the commissioners. The papers have been published.

The DUKE of RICHMOND. — It is evident that the Noble Earl cannot have a good case, or he would never have spoken of the people of Sussex and Hampshire having been subjected to the influence of intimidation; it is no such easy matter to intimidate the people of those counties. The Noble Earl, himself, can hardly believe that anything like intimidation exists in those quarters. If the evils arising out of the present state of the poor laws were really so great as the Noble Earl represents them to be, he surely would not lose an hour in bringing the subject fully in detail before the House, and proposing a measure to put an end to these horrors. But, so far from being instant and energetic in proposing such a remedy, he contents himself with postponing the whole matter till the next Session of Parliament. The Noble Earl very much mistakes what has taken place between us on the subject of legal costs. I never offered a bet to the Noble Earl. I begged to know whether the Noble Earl would pay the expenses if the prosecution proved unsuccessful?

EARL STANHOPE. — No.

The DUKE of RICHMOND. — Then, if he does not agree to do that, how can other parties be expected to undertake the payment of costs should the Westbourne guardians be defeated? The House must recollect the offer I made; and it certainly, I think, did not come within the proper description of a bet. There is nothing of which I entertain a stronger conviction, than that the Westbourne guardians are, in all respects, perfectly in the right. I move, That the examination be laid before the House, relating to the conduct of the Westbourne guardians towards Thomas Coombs; and I hope that, as the Noble Earl has published one part of the proceedings, he will use his influence to give as wide a circulation to the antidote as has been given to the poison. When the communications are before the House, I shall move that they be referred to a select committee.

EARL STANHOPE. — I confess that it occasions me some surprise to learn that the Noble Duke should have expected me, this night, or even in the present Session, to proceed with the resolutions of which I have given notice for the next Session. Those resolutions, if adopted, would pledge the House to nothing less than a repeal of the existing Poor Law of this country.

Motion agreed to; and petition read, and ordered to lie on the table.

EARL STANHOPE. — I beg to lay before your Lordships a petition from the guardians of the poor of the parish of St. George the Martyr, Southwark; and it is not necessary that I should now recapitulate the contents. It complains, however, amongst other matters, of the misrepresentation to which the petitioners have been subjected by the Poor Law Commissioners; and the grounds of their complaint rest upon information which has been already supplied to the Secretary of State for the Home Department. The parish of St. George had a calculation made, showing their parochial expenses before 1836, and subsequently to that

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period; from which it appears that, in 1834, 1835, and 1836, the average decrease of expense was 2000*l.* a-year. At present, the Poor Law Commissioners take credit to themselves for a further saving of 1000*l.* a-year; which saving, it is evident from the papers before me, arises in no respect from the operation of the New Poor Law. The case of the parish of St. George, Southwark, is by no means a solitary instance. I hold in my hand a Report from the auditors and committee of the house accounts, made on the second of last month, to the corporation and guardians of the poor of the city and county of the city of Chester, which refers to the topic I have brought under your Lordships' consideration, in the following terms: —

We cannot close this Report without congratulating the leypayers on the resistance which was effectually made to the introduction of the New Poor Law into this city, and on the reduction of the expenditure by a board of guardians, independent of the Poor Law Commissioners, and of those restrictions and privations which are enforced under their rules, orders, and regulations, — a reduction equal to that which, in other parts of the kingdom, they and their friends proclaim as the result of the Poor Law Amendment Act, which it is evident is not necessarily to be attributed to that law.

In the first year after the introduction of the Poor Law, the rate in that parish (St. George) was 7*d.* in the pound; in 1837 it became 14*d.* in the pound, without any alteration in the workhouse. In 1838, the tradesmen's bills remaining due amounted to 2000*l.* When the Poor Law came into operation, the parish had 1500*l.* in the hands of their treasurer, besides other funds to an equal amount, — making in the whole 3000*l.* The condition of their affairs, then, has been misrepresented by the commissioners in a manner the most unjust and injurious; and I will add, that I do not understand how any one can help perceiving that they have been made the subject of wilful falsehood. As regards the guardians of the parish of St. George, I beg to bear my testimony to the careful and exemplary manner in which they have discharged their duties. No guardians could, under the circumstances, have done more than they have done to protect the rights of the ratepayers and the interests of the poor; and I must say, that the conduct which they have pursued, and the information which they have supplied, have gone a great way towards dispelling the delusions which the commissioners have been endeavouring to create, but in vain to create; for they have fully shown that the decrease in the rates is not to be attributed to the operation of the New Poor Law, but to causes perfectly distinct,—one of which evidently is the demand for labour occasioned by the progress of railways and other public works.

VISCOUNT MELBOURNE. — There has been an error in the computation made relative to the years 1833, 1834, and 1835, to which the Noble Earl has just referred, and which produces an apparent difference of 7 per cent., — being the difference between 40 and 47. That error was certainly not committed by the commissioners; it was committed by the clerk of the guardians, and the guardians naturally adopted it from him. It is no great matter of surprise that such an error should have crept into a calculation involving so many particulars of such great amount; and it is, after all, a matter of no very great moment. The parish of St. George is not united with any other parish; its accounts will, probably, therefore, be not kept with as much accuracy as if two parishes were interested in the result; but even supposing the error to have been greater than it really is, it still furnishes no grounds for the general conclusions sought to be drawn from it. In conclusion, I beg to move, That there be laid before the House a copy of Report by the Right Honourable T. Frankland Lewis to Lord John Russell, dated the 27th of November, 1838, on the subject of some letters purporting to be signed by Mr. Day, a member of the board of guardians of the parish of St. George the Martyr, Southwark, printed in a public journal, wherein the Poor Law Commissioners are charged with a fraudulent representation of the average expenditure of the parish for the three years previous to the 25th of March, 1835.

EARL STANHOPE. — The petitioners are prepared to prove that they, and not the commissioners, are in the right. I now beg to move, That there be laid before your Lordships, copies of three letters addressed to Lord John Russell by Mr. John Day, a member of the board of guardians of the parish of St. George the Martyr, Southwark; one dated the 3d of December, 1838, another dated the 15th of December, 1838, and a third dated ——

Motions severally agreed to.

SCOTCH CHURCH.

Petition for the further endowment of,

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— of inhabitants of Portpatrick. — Read, and ordered to lie on the table.

PAPERS.

Copy of letter of the Secretary of State to lords lieutenants of counties: Also,

Copies of two letters of the Secretary of State to magistrates.

Delivered (by command), and to be printed.

Adjourned.

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HOUSE OF COMMONS.

PRIVATE BUSINESS.

Liverpool Buildings Bill. — Committee revived. Leave to sit and proceed to-morrow at one o'clock.

Grantham Small Debts Bill. — Committee revived. Leave to sit and proceed on Tuesday next.

Bradford (Wilts) Improvement Bill; Croydon, Merstham, and Godstone Iron Railway Bill; Tyne Dock Bill; Waterford Fever Hospital Bill; Birmingham Canal Bill; Preston and Wyre Railway, and Preston and Wyre Harbour Dock Bill. — Severally read a third time, and passed.

Raikes's Estate Bill.—Reported, without amendment; read a third time, and passed.

West Croft (Nottingham) Canal Bill. — Report further considered (prints having been delivered upon Friday, 7th of June); amendments agreed to; Bill to be ingrossed.

Brompton New Road Bill. — Petition of Edward Charles Eddrup, Esquire, against; and stating that the parties opposing the Bill had been given to understand that the Bill would not be proceeded with during the present Session. — Referred to the committee on the Bill; counsel ordered.

And it appearing to the House that the parties promoting the Bill had delayed to go into committee till Friday, the 7th of June, and had applied to the House, on Monday, the 10th, being the last day for Reports on Private Bills, for further time to report, which had been granted till Monday, the 17th, and that the proceedings of the committee would be closed to-morrow,—

Ordered, That it be an instruction to the committee, that, under the circumstances of the case, the petitioner be permitted to be heard, by himself, his counsel, or agent, before the committee.

Sidmouth Improvement and Market Bill. — Petition of John Ivie, against. — Referred to the committee on the Bill.

Glossop Small Debts Bill. — Petition of inhabitants of Longhurst Lane, Mellor, &c., for additional provision. — Referred to the Select Committee on Petitions for Private Bills.

PUBLIC BUSINESS.

DUNMOW UNION.

Copies presented, — of correspondence relating to the Dunmow union workhouse (ordered 4th of June). — To lie on the table.

MISCELLANEOUS PETITIONS.

The following petitions were severally presented, and ordered to lie on the table; namely, —

Education, — By Mr. GREENE, LORD VISCOUNT COLE, and other Honourable Members, against the proposed scheme, — from Temple Newsam; Leeds; Thorner; Chapel Allerton; Bolton by the Sands; Deptford Southwick and Ballast Hills; Llanfairpwllgwyngyll; Whitchurch (Hereford); Llandysilio; Chippenham; Upton Bishop; Hylton Ferry; South Bersted; Lydiard Tregoz; Bisley; Beaumaris; and Llansadwrn.

Postage, — By Mr. THORNELY, for a low and uniform rate, — from West Newton; Sandringham; and Llangefni.

Maynooth College, — By Mr. GOULBURN, against further grant, — from Cricklade; and Lydiard Millicent.

Rating of Tenements Bill, — By Mr. BOLLING, — of the council of Bolton, against.

EDUCATION (IRELAND).

Mr. D. BROWNE. — I rise, to present a petition from the Roman Catholic archbishop and clergy of the diocese of Tuam,

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of which, as it is of very great length, I shall content myself with reading the following passages: —

That your petitioners beg to approach your Honourable House with the unfeigned assurance of their devotion to the throne and person of our most gracious Sovereign. That while "they give unto Cæsar the things that are Cæsar's," they cannot be unmindful of the other precept that issued from the same divine source, of giving to God the things that are God's. That the religious education of their respective flocks is a duty exclusively belonging to the spiritual authority of the pastors of the church, and which they cannot resign into any other hands without a renunciation of those obligations which they owe to its Divine Founder. The petitioners beg to impress upon your Honourable House that religion, to be effective, must be definite in its creed; and that any plan that would attempt to combine the discordant tenets of different sects of Christianity in a vague belief would be utterly subversive of its foundation, and equally at variance with that solicitude which Protestants feel for the Articles of the established church, as well as with the zeal with which Catholics have clung to their faith under the most adverse fortunes. The petitioners further beg to observe that, in the diocese of Tuam alone, there is a Catholic population of four hundred and seventy thousand persons, and there is not more than one to fifty of all other religious creeds: that the petitioners conceive it to be utterly unreasonable that for one in fifty they should submit to a system of education fashioned for a mixed population of all Christian sects, and regulated by a manifest preponderance of Protestant principles and influence. The petitioners, therefore, seeing no hope of accommodation with a body whose pretensions are so arbitrary that they cannot be submitted to without the most imminent peril to the Catholic faith,—since it, undisguisedly, supersedes the authority by which that faith is protected, take this solemn opportunity of assuring your Honourable House that, henceforward, they hold no connection whatever, pecuniary or otherwise, with that board; and they will use all the spiritual influence of their sacred office to withdraw the children of their respective parishes from so dangerous a connection.

On the question, — "That this petition be brought up," —

Mr. LAW said: — By the Roman Catholic Relief Act, any Roman Catholic clergyman who assumes the title of a dignitary of the Protestant church subjects himself to a penalty. I therefore beg to ask the Honourable Member who presented the petition, whether I am correct in supposing that it purports to be the petition of a person calling himself the Archbishop of Tuam? If such be the case, I shall feel it my duty to move that the petition be rejected.

Mr. D. BROWNE. — The petition is signed "John M'Hale." It is described, in the heading, as the petition of the Archbishop and Clergy of the diocese of Tuam, but it is not so signed. The signature "John M'Hale" has no such title or character attached to it.

Mr. LAW. — The designation, then, given to the individual in question, is a false designation. I therefore move that the petition be rejected.

Mr. O'CONNELL. — The statement of the Honourable and Learned Gentleman, so far as it relates to that individual, is false.

[Cries of "Oh, oh!" "Order!"]

SIR R. INGLIS. — I rise to order. I hope, Sir, that you will protect this House against the Honourable and Learned Member for Dublin. Whatever the Honourable and Learned Member may say or do out of doors, where no such protection to Members can be obtained, I hope that here, at least, he will be taught to observe those rules and regulations which were made by the House for conducting its debates, and insuring protection to every Gentleman in the fair expression of his opinions. I trust, therefore, Sir, that you will not only pronounce the interruption of the Honourable and Learned Member to have been most disorderly, but also call upon him to retract and apologise for it.

The SPEAKER. — Undoubtedly, the conduct of the Honourable and Learned Member, in applying the term "false" to a statement made by another Honourable Member is most disorderly; and he is bound, out of respect to that Honourable Gentleman and to the House, at once to retract and apologise for it.

Mr. O'CONNELL. — After the expression of that, your opinion, Sir, I do not hesitate to retract and apologise for the term which fell from me, in the fullest sense that your words can require.

Petition brought up, and read.

The SPEAKER. — The question is, "That the petition do lie on the table."

SIR R. INGLIS. — On examining the petition, Sir, I find that it is signed "John M'Hale," with a cross affixed, — but there appears to be an erasure after that signature. I beg to ask the Honourable Member for Mayo whether he is cognizant of any erasure?

Mr. D. BROWNE. — I will explain the cause of that erasure. The petition was

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forwarded to me by the Archbishop of Tuam, — the only Archbishop of Tuam now existing, — and attached to that name were the words "Archbishop of Tuam." In a letter, which I received along with the petition, Dr. M'Hale stated, that if the presentation of the petition with that term attached to his name should be considered irregular, I might erase it if I pleased. Deeming that addition to the name to be irregular, — wishing to avoid any unnecessary discussion, — and not supposing that any objection would be stated against the receiving of the petition in its present form, — I erased the words "Archbishop of Tuam." It may be irregular for Dr. M'Hale to describe himself as Archbishop of Tuam; but there is no law to prevent me from describing him so, if I should so think fit. I never could have supposed that the House would evince such an intolerant disposition as to reject the petition, simply because it proceeds from certain Roman Catholic clergymen.

Mr. LAW. — I trust that the House will not allow this petition to be received. The Honourable Member opposite has stated that, originally, there was an addition to the name of John M'Hale, of the style and title of "Archbishop of Tuam;" but that he has received authority from Dr. M'Hale to erase that style and title; and that, in order to avoid any discussion on the right of assuming such signature, he has accordingly done so. But this petition is in its designation and heading the petition of the Archbishop of Tuam, although no such archbishop by law exists. It is clear that Dr. M'Hale assumes, and that there is given to him by others, a title, which by law does not belong to him, — although he may not be liable to a penalty, the Protestant jurisdiction as to the province having ceased to exist. But I nevertheless submit to the House, that it would be highly improper to receive the petition, because it is signed by a person who assumes a title that was recently borne by the Protestant archbishop. It is trifling with the House, after an Act of Parliament has ordered no man to assume that title, for any person to petition it in the name of the Archbishop of Tuam. I regret that any man should be permitted to beard this House by the assumption of that designation, and I hope the House will not permit the petition to be received.

Mr. WARBURTON. — I think, Sir, that, according to all practices of the House, this petition ought to be received. There may be some force in the observation of the Honourable and Learned Member for the University of Cambridge, that the signature to this petition is that of an individual describing himself as Archbishop of Tuam; but this is not the petition of the person so describing himself, only, but the petition of the Archbishop of Tuam and of clergy professing the Roman Catholic religion. So far, then, it ought to be received. What is more common than for the House to receive petitions signed by one individual on the part of a whole meeting? And yet, by the construction now put on the practice of this House by the Honourable and Learned Member opposite, because the person had signed it in the same manner as a chairman of a meeting would have done, this petition ought not to be received. We have received such petitions before; and therefore, I say, we ought not to reject this one. The person who has signed it may have assumed a title which is not legally recognised; but, as the petition of certain Roman Catholic clergy, it ought to be received without scrutinising its title.

Mr. WYNN. — I regret extremely that a petition so headed as this should have been presented. Such a discussion is at all times unpleasant, and one which I always wish to avoid; but I must say that when a party in this petition is described by a title to which he has no right, and the attention of the House is called to that circumstance, we should neglect our duty if we received it. If it had been simply described as the petition of John M'Hale, archbishop, and others of the Roman Catholic clergy, I think there could be no objection to it; for by the Protestant establishment have been always recognised the ordination and clerical rank of the archbishops, bishops, and clergy of the Roman Catholic religion. But it is a different thing to admit the claim of a title to episcopal jurisdiction within a province in Ireland. In the Act for removing the disabilities of Roman Catholics is the following clause: —

> Be it therefore enacted, that if any person, after the commencement of this Act, other than the person thereunto authorised by law, shall assume or use the name, style, or title of archbishop of any province, bishop of any bishoprick, or dean of any deanery, in England or Ireland, he shall, for every such offence, forfeit and pay the sum of 100*l*.

There is no doubt that in this case here is an assumption of the title of Archbishop of a province in Ireland. Whether that has been done by the act of the person himself,

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or not, is another thing; but I must say that the Honourable Member judged perfectly right in erasing the title, if he thought he had sufficient authority to do so, in order to avoid any objection of the House on that account; and I regret that that authority did not extend further, and permit him to take from the head of the petition the designation of the Archbishop of Tuam.

Mr. O'CONNELL. — It seems to me that the Honourable and Learned Member opposite is utterly mistaken when he says there is no law permitting a Roman Catholic archbishop of Ireland to assume this title. It may possibly be alleged, that, by the statute law, this gentleman, Dr. M'Hale, is not Archbishop of Tuam; but by the common law he is the only person who can claim that title. Now, by the statute law, up to the time of the Emancipation Bill, he was not prevented from making use of it. On the contrary, the Right Honourable Gentleman opposite has distinctly admitted that the episcopal rank of the Roman Catholic clergy is recognised by the statute and common law. There is no such province as Tuam in the established church, at present; it has lately ceased to exist; and therefore the use of the name or appellation of Archbishop of Tuam does not affect that church. I am sorry that this question should have been raised; but it has been raised, not by the individual himself, but by others, and that fact forms, therefore, no reason why the petition should be rejected. The Learned Recorder for London has admitted, distinctly, that a person is not liable to a penalty for assuming the title of Archbishop of Tuam, because there is no subsisting episcopal province of that name in the established church. This admission is, in point of fact, an admission that the person alluded to was entitled to make the assumption he has made. There is no law against his doing so, and there is, therefore, no reason for rejecting the petition.

SIR R. INGLIS. — If there be anything which I more deprecate than another, it is that spurious candour with which a person sometimes sacrifices principle for the sake of popularity; but I must say that I am not prepared to vote against the reception of this petition. The person who has signed the petition has authorised the erasure of the title "Archbishop of Tuam" from his signature, and he therefore practically submits to the House, that the claim he was once disposed to urge is not tenable, and that he consequently withdraws it. The petition not being signed by Dr. M'Hale, as Archbishop of Tuam, I take as an admission, on the part of that gentleman, that he formally and publicly renounces it. I believe — without entering into the law of the case, or reviving the discussion that took place in the House on this subject ten days ago — that the law is not violated by the petition as it now stands. Suppose the petition were from the Pope, who had signed it as Pope, on the part of a number of individuals, — as far as the forms of the House are concerned, there would be no legal or technical evidence on which we could reject it. This, then, is precisely the case, here. The petition is signed by Dr. M'Hale, on the part of the "Archbishop of Tuam" and certain Roman Catholic clergy; but *non constat* that any individual claims that title; and from what has occurred, I think the House may assume that that title is withdrawn.

Mr. D. BROWNE. — The Honourable Baronet who has just sat down has completely misunderstood me. It was not the intention of Dr. M'Hale to relinquish the title of Archbishop of Tuam, by permitting me to erase that designation from the petition, if I should think it would be contrary to the interest of the petition, on presenting it to the House, to allow it to remain. On the contrary, I wish it to be distinctly understood by the House, that I know it to be the intention of Dr. M'Hale not to relinquish that title, which he feels he has a right to assume as the archbishop of the only archiepiscopal see of Tuam.

Mr. FRESHFIELD. — I agree with the Honourable Member for the University of Oxford, in disclaiming all spurious candour by sacrificing principle to popularity; but I cannot have it assumed, under any kind of management, or the shutting of my eyes against a plain fact, that, if a petition be presented from a person calling himself Archbishop of Tuam, who signs himself as such, but subsequently authorises some one to take away that signature, and if, thereupon, a difficulty arises as to the reception of that petition, that that difficulty is removed by the fact of the erasure; — I would say that no one can be satisfied that it is not still the petition of the Archbishop of Tuam. It is the petition of the Archbishop of Tuam and the clergy of the Roman Catholic church. Dr. M'Hale signs it as Archbishop of Tuam; and even if an erasure of that title afterwards takes place, the clergy of his church having signed under his name

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as Archbishop of Tuam, there is no difference in the petition itself. It has been said by an Honourable Member, that petitions are sometimes received by the House, signed by one individual on the part of many; but that is on account of the numbers which would otherwise have to subscribe; whilst in the present petition a positive object, on the part of a few, only, is involved. If this petition be received, it will appear on the records of the House, that at this time was received a petition from the "Archbishop of Tuam" and other clergy of the Roman Catholic church. It is immaterial whether Dr. M'Hale has since caused the removal of the title, or not, as the use of it, at first, proves his assumption of the title. I shall most cordially vote for the rejection of this petition, — considering such a course essentially necessary to the dignity of the House, and to the interests of the Protestant church.

DOCTOR LUSHINGTON. — I would ask the House to consider what will most probably be the feelings excited in the minds of the people of Ireland by the course that has been adopted on this occasion, when it is a matter of the utmost importance that the House should retain the confidence, and, if possible, the esteem and affection, of 7,000,000 of our fellow subjects, in that country, although they may be of a different religious persuasion from the established church? When this debate shall go forth to the public, and they shall see that this important petition — bearing the signatures of one of the prelates of the Roman Catholic church and numerous others of the Roman Catholic clergy — was rejected on such grounds as have been stated, my firm conviction is, that the people of Ireland will think we are most anxious and astute to avail ourselves of the technical rules and usages of the House for shutting our doors to petitions, and avoiding all examination into the grievances of which they complain. Therefore, the step which the House may take on the present occasion is of infinite importance to the welfare of Ireland. The rejection of the petition on account of the Protestant feeling mentioned by the Honourable Member for Penryn will prove an exasperation, and almost an insult, to the Roman Catholics of Ireland. Now that the Union has taken place, and the Emancipation Bill is passed, the House ought to consider petitions, come from what quarter they may, — whether from Roman Catholics, Churchmen, or Dissenters, — all in the same light, and on a footing of equality. Let the House consider the nature of the objection itself. I will suppose for a moment that it is to a misdescription of one individual in the petition. It may be possible, perhaps, to point out one instance — but I defy any one to show me, generally, many — of petitions signed by persons giving themselves certain descriptions (unless in the case of corporations), where the House has examined strictly into the legal rights of the parties to the titles or characters which they have so assumed. It is said that a character is assumed by a person signing this petition, which is not allowed by law. That is the charge. The proceeding is not asserted to be a violation of the Act of Parliament. If Dr. M'Hale had assumed a title belonging to any existing Protestant body, and if the House had had evidence of that fact, then might we have grounds for rejecting the petition. But there is no one who claims to be the Protestant "Archbishop of Tuam." The case is, therefore, limited to this extent; and, under these circumstances, there is no provision in law to prevent a Roman Catholic bishop from assuming the title of Archbishop of Tuam. There is no person who can say that there is an Archbishop of Tuam in law. Is it worth while, then, — nay, is it wise, is it prudent, or even decent, — upon an objection of this kind, to reject a petition containing a statement of the feelings and opinions of a large portion of the clergy and people of Ireland?

SIR G. CLERK. — I am rather surprised at the warmth evinced by the Right Honourable and Learned Gentleman on a question of mere form in our proceedings. I agree with that Right Honourable and Learned Gentleman, that to object to the reception of a petition coming from the Roman Catholic clergy of Ireland, upon a subject on which they appear to take a deep interest, — upon a mere point of form, is a step which ought not to be taken. I think it is very easy for the Honourable Member for Mayo to escape from the difficulty. That Honourable Member has stated that he was authorised by Dr. M'Hale to strike off the adjunct of "Archbishop of Tuam" to his signature in the petition; why not also strike out the same designation at the head of the petition? and then the petition would appear to be from the Roman Catholic clergy in certain parts of Ireland. The Noble Lord the Secretary of State for the Home Department, on a former occasion, stated that he had refused to present an Address to his late Majesty, because this very same reverend gentleman was described in it as Archbishop of Tuam. This being so, I hope the Honourable

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Member for Mayo will not object to withdraw the petition for the purpose of making the alteration suggested.

Mr. D. BROWNE. — Although I have been authorised by Dr. M'Hale to strike off the adjunct to his signature, yet I have no authority to make any other not merely the petition of Dr. M'Hale, but alteration in the petition, inasmuch as it is of a large portion of the Catholic clergy.

Mr. GOULBURN. — By striking out the word "Tuam," at the head of the petition, the difficulty may be obviated.

LORD JOHN RUSSELL. — I confess that I am unable to give any very competent opinion upon this subject, because a great part of the discussion had already taken place before I entered the House. I wish, however, that the House should be relieved from the difficulty of deciding upon the question. There is an obvious objection to the Honourable Member for Mayo's making any alteration in the petition: on the other hand, the statement that it is the petition (among others) of the Archbishop of Tuam places the House in a situation of very great difficulty; because, if we rejected the petition on that ground, it might be conceived to be a captious objection; and yet, at the same time, it is obvious that to receive such a petition would be contrary to the spirit of the Act of Parliament, — the description being evidently against the spirit of the Act, although it may not be against the letter. As the Honourable Gentleman has stated that he has no authority to withdraw the petition, or to alter the wording of it, I shall certainly feel compelled, if the question be pressed, to vote against its being received.

Mr. M. J. O'CONNELL. — It may be true, as the Noble Lord has said, that to receive this petition would be contrary to the spirit of the Act of Parliament; but that Act is, in its nature, a penal one against the people of Ireland, and ought not to be extended in its operation one jot beyond what is in strictness the letter of the Act. It is admitted that there is no violation of the letter of the law; it will, therefore, produce a strange effect in Ireland, where it shall be said that the House of Commons was inclined to do what no court of law ever did, — namely, extend a penal Act beyond the letter.

The House divided on the question of bringing up the petition: — Ayes 82; Noes 165; — Majority 83.

AYES.

Anson, Sir G.	Macnamara, Major
Attwood, T.	Molesworth, Sir W.
Barnard, E. G.	Murray, A.
Barron, H. W.	Nicholl, J.
Bewes, T.	O'Connell, D.
Blake, W. J.	O'Connell, John
Brotherton, J.	O'Connell, Morgan
Bryan, G.	Ord, W.
Buller, C.	Parrott, J.
Busfeild, W.	Pattison, J.
Butler, Hon. Colonel	Philips, M.
Callaghan, D.	Phillpotts, J.
Chapman, Sir M. L. C.	Pigot, D. R.
Chester, H.	Power, James
Childers, J. W.	Pryme, G.
Codrington, Admiral	Rich, H.
Collins, W.	Rundle, J.
Donkin, Sir R. S.	Salwey, Colonel
Duff, J.	Scholefield, J.
Duncombe, T.	Seale, Sir J. H.
Dundas, F.	Sharpe, General
Eliot, Lord	Somers, J. P.
Ellice, Rt. Hon. E.	Somerville, Sir W. M.
Ellice, E.	Stansfield, W. R. C.
Ellis, W.	Stuart, V.
Evans, Sir De Lacy	Strutt, E.
Evans, G.	Thornely, T.
Evans, W.	Wallace, R.
Fielden, J.	Warburton, H.
Ferguson, Sir Ronald	Ward, H. G.
Ferguson, R.	White, A.
Finch, F.	White, S.
Hawes, B.	Williams, R.
Hawkins, J. H.	Williams, W.
Hector, C. J.	Winnington, T. E.
James, W.	Wood, G. W.
Lambton, H.	Worsley, Lord
Langdale, Hon. C.	Wyse, T.
Langton, W. G.	Yates, J. A.
Leader, J. T.	
Lister, E. C.	*Tellers.*
Lushington, C.	Browne, R. C.
Lushington, Rt. Hn. S.	O'Connell, M. J.

NOES.

Alsager, Captain	Corry, Hon. H.
Arbuthnott, Hon. H.	Courtenay, P.
Ashley, Lord	Crawford, W.
Bailey, J.	Cresswell, C.
Bailey, Joseph, jun.	Darby, G.
Baker, E.	Darlington, Earl of
Baring, Hon. W. B.	Denison, W. J.
Barneby, J.	De Horsey, S. H.
Barrington, Lord Vt.	D'Israeli, B.
Bentinck, Lord G.	Duffield, T.
Bethell, R.	Dugdale, W. S.
Boldero, H. G.	Dunbar, G.
Broadley, H.	Duncombe, Hon. W
Brownrigg, S.	Du Pre, G.
Buck, L. W.	Eastnor, Lord Visct.
Burr, H.	Eaton, R. J.
Burrell, Sir C.	Egerton, W. T.
Burroughes, H. N.	Egerton, Sir P.
Campbell, Sir J.	Erle, W.
Canning, Rt. Hn. Sir S.	Farrand, R.
Cartwright, W. R.	Fazakerley, J. N.
Christopher, R. A.	Feilden, W.
Clerk, Sir G.	Fellowes, E.
Clive, Hon. R. H.	Filmer, Sir E.
Codrington, C. W.	Fitzroy, Lord C.
Cole, Lord Viscount	Fleming, J.
Colquhoun, J. C.	Follett, Sir W.
Compton, H. C.	Freshfield, J. W.
Copeland, Alderman	Gladstone, W. E.

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Goddard, A.
Gordon, Hon. Captain
Goulburn, Rt. Hon. H.
Graham, Rt. Hon. Sir J.
Grant, F. W.
Grey, Rt. Hon. Sir G.
Grimsditch, T.
Grosvenor, Lord R.
Hale, R. B.
Harcourt, G. G.
Heathcote, Sir W.
Heneage, E.
Hepburn, Sir T. B.
Herbert, Hon. S.
Herries, Rt. Hon. J. C.
Hill, Sir R.
Hobhouse, Right Hon. Sir J.
Hodges, T. L.
Hodgson, F.
Hodgson, R.
Hogg, J. W.
Holmes, Hon. W. A'C.
Holmes, W.
Hope, Hon. C.
Hope, G. W.
Howick, Lord Visct.
Hughes, W. B.
Ingestre, Lord Visct.
Inglis, Sir R. H.
Irton, S.
Irving, J.
Jackson, Mr. Serjeant
Jones, Captain
Kemble, H.
Kilburne, Lord Visct.
Knight, H. G.
Labouchere, Rt. Hon. H.
Lascelles, Hon. W. S.
Lefroy, Rt. Hon. T.
Lennox, Lord A.
Liddell, Hon. H. T.
Lincoln, Earl of
Lockhart, A. M.
Long, W.
Lowther, J. H.
Lygon, Hon. General
Mackenzie, T.
Macleod, R.
Mahon, Lord Viscount
Manners, Lord C. S.
Maunsell, T. P.
Miles, W.
Mordaunt, Sir J.
Muskett, G. A.
Norreys, Lord
Packe, C. W.
Paget, F.
Pakington, J. S.
Palmer, R.
Palmer, G.
Parker, J. (Sheff.)
Patten, J. W.
Peel, Rt. Hon. Sir R.
Perceval, Colonel
Perceval, Hon. G. J.
Plantà, Rt. Hon. J.
Plumptre, J. P.
Pollen, Sir J. W.
Powerscourt, Ld. Vt.
Praed, W. T.
Price, R.
Pusey, P.
Rae, Rt. Hon. Sir W.
Richards, R.
Rolleston, L.
Round, C. G.
Rushbrooke, Colonel
Russell, Lord J.
Russell, Lord C.
Sandon, Lord Viscount
Shaw, Rt. Hon. F.
Sheppard, T.
Shirley, E. J.
Sinclair, Sir G.
Smith, A.
Somerset, Lord G.
Speirs, A.
Stanley, Hon. E. J.
Stanley, E.
Stanley, Lord
Stanley, W. O.
Staunton, Sir G. T.
Steuart, R.
Stuart, W. V.
Sturt, H. C.
Teignmouth, Lord
Tennent, J. E.
Turner, W.
Tyrell, Sir J. T.
Waddington, H. S.
Wall, C. B.
Whitmore, T. C.
Wilde, Mr. Serjeant
Wilmot, Sir J. E.
Winnington, H. J.
Wood, T.
Wynn, Rt. Hon. C. W.
Young, J.

Tellers.
Fremantle, Sir T.
Law, Hon. C. E.

CHURCH LEASES.

Mr. LAMBTON. — Sir, I wish to ask the Noble Lord whether it is his intention, this Session, to introduce any measure founded on the recommendation of the Committee on Church Leases? The holders of that property cannot, at present, borrow money on that security, owing to the unsettled state of the question; and it is of importance that some measure respecting it should be enacted as speedily as possible.

LORD J. RUSSELL. — Sir, I am fully aware of the importance of the subject to which the Honourable Member has referred; but from the many difficulties attendant on it, I beg to say it is not my intention to propose any Bill on the subject during the present Session; but early next Session I hope to be able to submit to the House some measure that will give satisfaction to the country.

TITHE COMPOSITION ACT.

Mr. HODGES. — Sir, I wish to ask the Noble Lord the Secretary for the Home Department, whether it is the intention of Government to introduce a Bill to amend and explain the Tithe Composition Act this Session?

LORD J. RUSSELL. — It is our intention to introduce a Bill for that purpose.

MESSAGE FROM THE LORDS,

That they have agreed to — Leeds and Harewood Road Bill, without amendment.

That they have passed a Bill, intituled, "An Act for giving Effect to certain Powers as to Parts of the settled Estates of the Most Noble Richard Plantagenet, Duke of Buckingham and Chandos."

Also, a Bill, intituled, "An Act to dissolve the Marriage of Robert Allison with Mary Ann his now Wife, and to enable him to marry again; and for other Purposes therein mentioned."

BANK OF IRELAND.

SIR W. SOMERVILLE. — Sir, I wish to know whether it is the intention of the Chancellor of the Exchequer to introduce any measure, during the present Session, for the regulation of the system of banking in Ireland?

The CHANCELLOR of the EXCHEQUER. — It is my intention to bring in a Bill on the subject adverted to by the Honourable Member.

Mr. O'CONNELL. — I wish to know whether the object of that Bill will be to continue the present system of banking till 1842?

The CHANCELLOR of the EXCHEQUER. — It is my intention to propose some alterations; but it is impossible, at this moment, to go into details.

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JAMAICA BILL.

Mr. GOULBURN. — Sir, I wish to be informed whether the Noble Lord intends to bring on the Jamaica Bill to-morrow?

LORD JOHN RUSSELL. — No; I shall postpone the Jamaica Bill till Monday, and take the vote for national education to-morrow (Friday).

SIR R. PEEL. — Sir, it may be convenient to all parties to state that the sense of the House will be taken on the third reading of the Jamaica Bill, with respect to that particular clause which provides for permanent legislation.

LORD JOHN RUSSELL. — Does the Right Honourable Gentleman mean to take the sense of the House on the omission of the whole of the same clause on which the sense of the House was taken before?

SIR R. PEEL. — Yes.

Mr. BERNAL then brought up the Report on the Jamaica Bill, which was ordered to be ingrossed, and to be taken into consideration to-morrow.

WATERFORD FEVER HOSPITAL BILL.

Read a third time, and passed.

DUKE OF BUCKINGHAM'S ESTATE BILL.

Read a first time; to be read a second time.

JAMAICA BILL.

Reported; to be read a third time on Monday next.

CANADA.

The Order of the Day for the resumption of the adjourned debate upon Canada, and the first resolution, — "That it is the opinion of this House, that it is expedient to form a legislative union of the provinces of Upper and Lower Canada, on the principles of a free and representative government, in such a manner as may most conduce to the prosperity and contentment of the people of the united provinces," — having been read, —

LORD JOHN RUSSELL said: — Sir, I have to move for leave to withdraw the resolution which has been read, intending immediately to ask for leave to bring in a Bill.

LORD STANLEY. — Sir, my objection, the other day, was to the mode of the proceeding which had been adopted by her Majesty's Government. My desire is, that no opinion should be given by the House as to the expediency or the practicability of uniting the two provinces of Upper and Lower Canada, till we see the details of the Bill to effect that object; and as the Noble Lord has proposed to withdraw the resolutions which, as I thought, unnecessarily and improperly pledged the House to the abstract principle, my purpose has been altogether answered. I can have no objection to the course now proposed, or to the Noble Lord's proceeding by Bill; on the contrary, I am most anxious to see the mode in which it is intended to deal with this question, — for it is most desirable, not only for this country but for all persons in Upper and Lower Canada, that the views of her Majesty's Government should be known at as early a period, and as distinctly, as possible; and my only regret is, that the Noble Lord should think that it is not possible to carry out the intentions of Government during the present Session. The interests involved are so important, that it is desirable there should be no party discussion; and, considering what has already passed, and the present condition of the colonies, I hold that it would be better that there should not be any partial debate, into which topics of an irritating nature might be introduced, upon the present occasion. I will, therefore, content myself with stating the satisfaction I feel at the course which has been pursued by the Noble Lord, and I will abstain altogether from expressing any opinion upon the measure till I am in possession of the details.

Leave was then given to withdraw the resolution.

LORD JOHN RUSSELL. — Sir, I will now proceed to move for leave to bring in the two Bills, which I stated I would submit when I had withdrawn the resolution; and, with the Noble Lord, I feel that it would be unnecessary now to have any discussion, or to ask for the opinion of the House. After what I said the other day, in proposing that resolution, as to the general views of her Majesty's Government, it is not necessary for me, nor

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would it be advantageous that I should enter into any details on the subject of Canada. I will state, generally, that it is our opinion that, upon the whole, it is most advantageous that the two provinces of Upper and Lower Canada should be united; but that it would expose such union to great risk, and to a great probability of failure, if we did not previously take all possible means to provide for legislation in Lower Canada, so that no topics of irritation should exist at the first meeting of the Assembly of the united provinces. With this view, I propose that, till the period of the union, efficient and certain powers should be intrusted to the Government of this country, and to the Governor in Canada, for effecting this desirable change in the legislation of that colony. It has been stated that, practically, there is now an important obstacle to that legislation which is necessary to avert immediate danger. I therefore propose to introduce a Bill for the temporary continuance of the Act of last Session for the suspension of the constitution, so that the colony may be brought to a desirable state before the Bill for the union shall come into operation. I shall state the particulars of this Bill before I proceed to the Bill for the union. By the new Bill I intend to amend the Act of last Session in several particulars. I propose, in the first place, to alter that clause of the Act on which so much difference of opinion was expressed, last Session, in this House, — a difference of opinion which has extended to the judicial bench in Canada. It has been stated, upon high authority, — not, indeed, by any person holding any official situation, but in the reported speeches of persons of eminent legal authority, — that the Bill of last Session did not authorise the Governor to suspend the Habeas Corpus Act, or to take other immediate measures for the suppression of insurrection. By one provision of the Bill, I now propose to alter the clause generally known as Sir William Follett's clause, and to limit its operation to measures affecting the clergy, whether Protestant or Roman Catholic, or affecting the tenures of land. It was stated by the Honourable and Learned Gentleman that this was the principal object he had in view, and that, whatever the legal effect of the clause might be, he did not intend it to prevent necessary measures of legislation.

Another inconvenience which was felt was the want of a power to impose taxes for strictly local purposes, such as the watching, and the local roads. I propose, therefore, to alter the clause originally introduced by ourselves, and to give power to impose rates and taxes: these are not to be paid into the public treasury, but to be applicable only for local purposes, — for the watching, and the roads. This provision will greatly encourage immigration, by enabling Government to give employment to the new settlers. I likewise propose that the powers given under that Act to the Governor and council should be continued for eighteen months beyond the period at which they would, now, by law, expire. That Act will expire in November, 1840; and I propose that, with the alteration to which I have alluded, it shall be continued till March, 1842. I do not say that that is the precise period of extension necessary. It may be possible to call together the general Assembly of the united provinces before that time; but it is better to take, in the Bill, a time beyond which it is improbable that it will be necessary to continue the Act. If her Majesty's Government find that it is the general wish and opinion of both provinces that the united Assembly should meet earlier, the special powers given by this Bill may end at that time. With regard to the other Bill, for the union of the two provinces, as a consequence of not proceeding to enact a law in the present Session, it may be necessary to change some of the proposed provisions. The Bill, however, which I would ask leave to introduce, provides for the establishment of a central district at Montreal and its neighbourhood, in which the Government shall be carried on, and where the Assembly shall meet. The other parts of Upper Canada and of Lower Canada are each to be divided into two districts. It is proposed that these districts should be formed for the purpose of becoming municipal districts for the imposition of taxes and rates for all local purposes. I need not, now, enter into the reasons which, in my opinion, justify such a proposition. It was intended to have local commissioners belonging to the former Legislative Assemblies of Lower Canada and of Upper Canada, to ascertain and fix the districts to return members to the united Assembly; but in consequence of the recent change of intention, it is thought better that the division should be effected by direct enactment, by the Imperial Parliament's receiving all the local information that can be obtained as to the boundaries and districts. Those boundaries and districts are not defined by the Bill, but are referred to as to be defined in the schedule. I have said that it is proposed to have a central district, and that there are to be four other districts.

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Each of these districts is to be divided into nine other divisions; so that there will be in the whole, supposing each division to return two members, ninety members for the different divisions or electoral districts. In addition to these, I propose that the four largest towns should each return two members,—making ninety-eight members in the whole. I believe that I stated, on a former occasion, my opinion as to the Legislative Council, and other parts of the Bill relating to the local Legislature. I will not, therefore, now go into them. It is better that the House should see the Bill itself and judge of its provisions, rather than that I should enter into any further explanation at present; and I will therefore content myself with moving "for leave to bring in a Bill for re-uniting the provinces of Upper and Lower Canada, and for the Government of the united province."

SIR ROBERT PEEL. — Sir, I entirely concur with my Noble Friend, in thinking that, in a matter of so much importance, it is better to postpone all discussion upon the Bill, till we have an opportunity of examining the provisions. I wish, however, to ask the Noble Lord one or two questions. The Noble Lord says that he, on a former occasion, stated his views with respect to the Legislative Council; and, as I understand the Noble Lord, his opinion is, that that council ought to remain constituted upon the same principle as at present. Upon a matter of so much importance, without meaning to provoke any discussion, I would ask the Noble Lord to explain the principle on which the council will be constituted? The other question which I wish to ask is, whether the elective franchise for the five districts for constituting municipal bodies, having power to impose local rates and taxes, is to be identical with the elective franchise in the counties?

LORD JOHN RUSSELL. — With regard to the first question, what I stated upon a former occasion was, that I did not propose to depart from the principle, that the Legislative Council should be named or proposed by the Crown; but that care should be taken, pursuant to the resolution of this House, to select men of some mark, on whom the confidence of the Crown had been bestowed, or who were entitled to confidence in consequence of the election of the people. I would provide, therefore, that the council should be composed of persons who have either held some office of consequence or importance, or of well known authority, —or of members of the Assembly. Certain qualifications, therefore, are to be insisted on; and the selection is not to be left to the caprice of the Governor, who cannot for the future appoint persons unknown in, or not belonging to, the province. The members of this council, too, are not to be appointed for life, but are to hold office for eight years only. With regard to the franchise, the right of election is to be the same for the municipal and the general elections.

SIR R. PEEL. — At the end of the eight years, is it to be in the power of the Crown to re-appoint the parties?

LORD J. RUSSELL. — The Crown is to have power to re-appoint.

Mr. C. BULLER. — Sir, it is not my wish, against the sense of the House, to continue the present debate; but it is a question, whether the mode proposed by the Noble Lord for the union of the two provinces will be better than their present condition?

Bill ordered to be brought in by LORD JOHN RUSSELL and Mr. LABOUCHERE.

LORD J. RUSSELL next moved for leave to bring in a Bill, to continue and amend the Act 1 Vic. c. 9., for making temporary provision for the government of Lower Canada.

Mr. C. BULLER. — Sir, I would not allow to pass through a single stage, without giving to it my strenuous opposition, a Bill to continue the present system of provisional government, were it not that the Bill not merely continues the present system, but also gives to the special council a power which they do not at present possess. My experience of affairs in Canada convinces me, that leaving the special council with its present limited power would be leaving the colony without any legislative power at all. A Bill, therefore, having for its object to give to the council further powers, ought to pass in some form or other; though I would oppose, in the most strenuous manner, any attempt to continue, unaltered, the present provisional and arbitrary power subsisting in Lower Canada.

SIR CHARLES GREY. — Sir, in my opinion, the House will see that the best thing we can do, at present, is to continue the powers vested in the Governor and council. The opinion expressed in a former debate, — that we are just where we were, — that we

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have gained no step of importance, — and that we have effected no extrication out of the difficulties in which the province was involved, — I believe to be erroneous. If we view our present position rightly, — if we look at the difficulties in which the province has been involved, whether produced by the one party or the other, — we shall see that we are, now, in a situation in which we are more capable of dealing with the difficulties in which the province is at present involved than we have been for a long time past. Two great steps have been taken towards a settlement; — we have suspended the Assembly, which was necessary to procure a settlement; and we have procured a revenue, which is necessary for carrying on the Government. It should also be recollected, that Lower Canada is free from debt, while the upper province is deeply involved. The revenue of Lower Canada is always more than sufficient for all the purposes of its Government.

Bill ordered to be brought in by LORD JOHN RUSSELL and Mr. LABOUCHERE.

METROPOLIS POLICE BILL.

On the motion of LORD JOHN RUSSELL, the House resolved itself into committee on the Metropolis Police Bill, and clauses 22. to 27. were agreed to.

Clauses 28, 29, and 30. were agreed to.

On clause 31. (As to pay and deductions therefrom, of officers, &c.), being proposed, —

CAPTAIN BOLDERO said: — Sir, I object to the provisions of this clause, which declare that the pay of the officers shall be stopped in case of illness, — and that certain fines shall be imposed, and a reduction take place, to the amount of 2½ per cent. on the pay, the proceeds of which are to be applied to a superannuation fund. I think it would be hard, if, after fifteen years' service, a man could not get superannuation except on these terms. Besides, you will not require anything like the sum here proposed to be raised. You are about to raise 9500*l.* a-year, which, in fifteen years, will amount to nearly 150,000*l.*; and surely, in that space of time, the ordinary casualties will leave very few cases of superannuation to be provided for. By your plan, the policeman will gain no advantage which he could not get in an assurance company. I will not move an amendment in the clause, trusting that before the third reading of the Bill it will be altered by its proposers.

Mr. FOX MAULE. — Sir, I feel it right to tell the Honourable and Gallant Member that the clause has been very fully considered; and I conceive it likely to be most beneficial to the police, in procuring for them a fund which they did not before possess, and to which they may go when prevented, by weakness, from continuing in the service of the public. Besides, the reduction proposed of each income is very trifling, as the pay is considerable — 60*l.* a-year. Therefore the superannuation fund does not come to more than 2 per cent. In addition to this, the men will have a source of compensation they do not now enjoy, — namely, the produce of the old clothes, which now goes to benefit the ratepayers.

SIR R. PEEL. — I was not aware that the constables had so much; and I think it would be exceedingly unwise to reduce the salaries of the police officers lower than they now stand. It would be for the advantage of the ratepayers that respectable men should be employed; and the services of such men cannot be secured, except by affording a sufficient remuneration.

Mr. FOX MAULE. — The salary is, I find, about 50*l.* a-year.

Mr. T. S. DUNCOMBE. — Sir, I perceive a provision in the clause, by which the fines imposed on offenders for assaulting the police are to be applied to the superannuation fund. Although there are many very respectable men in the force, yet there might be some among them of bad character, and I think that an inducement to false swearing would be held out.

Mr. GOULBURN. — By applying it to the superannuation, we relieve the ratepayers; and, besides, I hardly think a man would take a false oath, in hopes of partially benefitting by it at the end of fifteen years.

Mr. DARBY. — I think, if the Honourable Member looks to the next clause, he will find the matter set right.

Clause agreed to.

Clause 32. "Time entitling to superannuation."

Mr. GOULBURN. — There are many men in the police who have served in the army. It would be impossible that such men

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could serve fifteen years in the police. I trust there will be some relaxation of the rule in such cases.

LORD VISCOUNT HOWICK. — I think the Right Honourable Gentleman's objection will be met by the good conduct warrants now issuing from the War Office. These warrants entitle the men to deferred pensions, which they can claim at the period of their service in the police.

CAPTAIN BOLDERO. — I think that some provision should be made for those men who are compelled to quit the force before they have served the full time, in respect of which they would be entitled to receive assistance from the superannuation fund.

SIR R. PEEL. — I am also of opinion that fifteen years' service is exceedingly long to be required from a man before he shall be entitled to assistance; but the extent of the payment must, of necessity, be guided by the funds procured.

Mr. LAW. — In my opinion, ten years' service would be sufficient.

COLONEL SIBTHORP. — There is no class of men worse paid than the metropolitan police force; and the clauses in this measure, relating to the pay and regulation of the men, seem calculated only to oppress them. In fact, this is a paltry, mean, dirty Government Bill.

CAPTAIN BOLDERO. — I see it is put down in this clause, "that if any constable shall be disabled, by any wound or injury received in the actual execution of the duty of his office, it shall be lawful to grant him any allowance not more than the whole of his pay." I should like to know whether this is to be construed to extend to the general health of a man being injured by the performance of his duty, — for example, if his health should become bad from perpetual exposure to the weather?

Mr. FOX MAULE. — I apprehend not. The meaning is, that if a policeman shall receive a wound or any injury in the actual execution of his duty, he shall receive the full allowance.

The clause was then agreed to.

Clause 33. "Repeal of 2 Geo. III. c. 28."

Clause 34. "Boats to be registered at Watermen's Hall."

Clause 35. "Persons receiving ship stores from seamen, &c."

Clause 36. "Cutting ropes, cables," &c.

Clause 37. "Wilfully letting articles fall into the Thames, &c."

Clause 38. "Framing false bills of parcels."

Clause 39. "Possessing instruments for unlawfully procuring and carrying away wine, &c."

Clause 40. "Piercing casks, opening packages, &c."

Clause 41. "Breaking packages, with intent to spill contents."

Clause 42. "Superintendents and inspectors may board vessels."

The above clauses were severally agreed to, without discussion.

Clause 43. "Constables having just cause to suspect felony, may enter on board vessels, and take up suspected persons."

On this clause being put,—

Mr. LAW said. — I think the power given by this clause is much too great to be lodged in the police force, generally. We cannot reasonably expect from every constable the due caution and discretion requisite for exercising such a power. I would therefore suggest, that constables who are to perform this duty should be taken from a body of picked men, in whom confidence can be placed. It will not do to give, among the whole force indiscriminately, the power of boarding vessels at night, where there are valuable cargoes.

Mr. KEMBLE. — I certainly think, that to give to the common police constables such an arbitrary power, is going much too far; and, unless the clause be modified, I shall move that it be expunged.

Mr. FOX MAULE. — The Right Honourable and Learned Recorder suggests that the constables to perform this duty should be selected from a particular body of men. Now, suppose we were to confine the duty to the sergeants of the force.

SIR EDWARD KNATCHBULL. — I should think that would do. But here are words which, I confess, I do not under-

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stand. You say, when a constable has reason to suppose that a felony has been or "is about to be committed," &c. Now, how a constable is to have the intuitive knowledge that a felony is "about to be committed," I do not exactly see.

Mr. FOX MAULE. — Suppose a constable receives certain information which gives him reason to suppose that a felony is "about to be committed" on board a certain ship; is it not better he should possess this power, than that the felony should be permitted to be accomplished?

Mr. HAWES.—All these powers given to the police force are to be regulated by rules laid down by the commissioners: these rules are to be printed; and it is too much to suppose that a common constable is to exercise all these powers upon his own arbitrary will, and without the proper control of his superior officers.

SIR M. WOOD. — As the law at present stands, any man who is found in the street with picklocks, skeleton keys, or under other suspicious circumstances, affording reasonable ground for the supposition that he is about to commit a felony, may be apprehended on suspicion. I do not see, therefore, that the power given by this clause is altogether new.

Mr. LAW. — But apprehending a man under suspicious circumstances, as instanced by the Honourable Alderman, is altogether different from boarding a ship, — which is something very like breaking into a man's house.

Mr. KEMBLE. — I have no wish to diminish the actual power necessary for the effectual protection of property; but I object to the lax and ill-defined expressions by which the power is given.

The clause was then agreed to, with a verbal amendment.

Clause 44. "Unlawful quantities of gunpowder may be seized."

Clause 45. "Penalty for having on board guns loaded with ball, or discharging guns in the night."

Clause 46. "Penalty for burning combustible matters on board vessels."

The above clauses were severally agreed to, without discussion.

Clause 47. "Penalty on keeping fairs open within forbidden hours."

On this clause being put,—

COLONEL SIBTHORP said:—I submit to the committee, that such a proposition as this ought never to have been introduced by a Government calling itself liberal, nor supported by those who arrogate to themselves the title of "the friends of the people." It is enacted by this clause, that "if any house, room, booth, standing, tent, caravan, waggon, or other place, shall, during the continuance of any such fair, be open within the hours of eleven in the evening and six in the morning, for the purpose of business or amusement, in the place where such fair shall be holden, or within 300 yards thereof, it shall be lawful for any constable to take into custody the person having the care or management thereof, and also every person being therein, who shall not quit the same forthwith upon being bidden by such constable so to do." So, if I had a house at Greenwich, within this specified distance of 300 yards, and chose to have a party of friends on a fair day, I and my guests would come under this provision. Then the clause goes on to inflict a penalty of 5*l.* upon the person having the care and management of the house, room, &c., and 40*s.* upon every person who shall be therein, and not immediately go away upon the arbitrary mandate of the police constable. Now, there are very respectable persons who go to Greenwich fair; and I do not see why they should be so arbitrarily restricted as to their hours of amusement, any more than her Majesty's Ministers, when they go down in that quarter to eat white-bait. I repeat, this clause is one which could not have been expected from a liberal Government, and it is most unbecoming and inconsistent on their parts.

Mr. LAW. — You are certainly extending your jurisdiction very much by this Bill.

Mr. FOX MAULE. — Seventeen hours a-day really appear to me to be sufficient for the purpose of holding fairs.

COLONEL SIBTHORP. — I should propose, instead of the word "eleven," to insert the word "two."

SIR EDWARD KNATCHBULL. — Why should you insert the word "business?" If there is real business to be done, why prevent it?

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Mr. FOX MAULE. — If we were to leave out that word, we should not effect our object, for the proprietors of the eating booths and gingerbread stalls could keep open under pretence of carrying on their "business."

COLONEL SIBTHORP. — I shall move that the clause be omitted altogether.

Question put, "That the clause, as amended, stand part of the Bill."

The committee divided: — Ayes, 54; Noes, 8; — Majority, 46.

AYES.

Abercromby, Hon. G. R.	Nagle, Sir R.
Aglionby, Major	Norreys, Sir D. J.
Baring, F. T.	Pigot, D. R.
Blair, J.	Plumptre, J. P.
Butler, Hon. Colonel	Pryme, G.
Chester, H.	Rice, E. R.
Clive, E. B.	Rickford, W.
Craig, W. G.	Rolfe, Sir R. M.
Curry, Mr. Serjeant	Rundle, J.
Darby, G.	Russell, Lord J.
Davies, Colonel	Russell, Lord C.
Elliot, Hon. J. E.	Rutherfurd, Rt. Hn. A.
Ferguson, Sir R. A.	Smith, B.
Goulburn, Rt. Hon. H.	Stansfield, W. R. C.
Grey, Rt. Hon. Sir G.	Steuart, R.
Hawes, B.	Stewart, James
Hobhouse, T. B.	Stock, Dr.
Hope, G. W.	Tancred, H. W.
Horsman, E.	Teignmouth, Lord
Kemble, H.	Vigors, N. A.
Kinnaird, Hon. A. F.	Warburton, H.
Law, Hon. C. E.	Williams, W. A.
Litton, E.	Wood, Sir M.
Mackenzie, T.	Wood, T.
Macleod, R.	Young, J.
Marsland, H.	*Tellers.*
Maule, Hon. F.	Dalmeny, Lord
Melgund, Lord Visct.	Parker, J.
Morris, D.	

NOES.

Barnard, E. G.	Talfourd, Mr. Serjeant
Dundas, C. W. D.	Williams, W.
Finch, F.	*Tellers.*
Hodgson, R.	Sibthorp, Colonel
Knatchbull, Rt. Hon. Sir E.	Duncombe, T.
Salwey, Colonel	

Clause 48. "Fairs within the metropolitan police district may be inquired into; if declared unlawful booths, &c., to be removed."

Clause 49. "On entering into recognizances, question as to right of title to fair may be tried in the Queen's Bench."

The above clauses were severally agreed to.

Clause 50. "Regulations as to coffee-shops and houses of refreshment."

On this clause being put, —

COLONEL SIBTHORP said: — I really think we might have expected a little more liberality in this clause. I cannot see any good reason for the restriction.

Mr. T. DUNCOMBE. — I certainly consider it a most unnecessary encroachment on the comforts of the people.

Mr. HAWES. — There is the counterpart of this clause in the 3 & 4 Will. IV.

COLONEL SIBTHORP. — I have seen hotels and places of refreshment open at a much later hour in the neighbourhood of Covent Garden, when I have been returning from attending to my duties in this House. Why should such restrictions be put upon the particular class of houses mentioned in the clause?

Mr. GOULBURN. — I object to the clause also, but on a contrary principle to that of my Honourable and Gallant Friend near me. So far from thinking it amounts to a restriction on the people's liberty, I consider it a very considerable extension.

Mr. FOX MAULE — The rule at present is, to open at four in the morning.

Mr. DARBY. — Will the Honourable Gentleman have any objection to extend the operation of this clause to beer-houses?

Mr. PRYME. — I would ask, why you would limit trade to certain houses, merely because spirits are not sold there?

Mr. DARBY. — Spirits are mentioned in the clause. My only object is with relation to beer-houses.

Mr. KEMBLE. — I think the words "houses licensed for the sale of beer" should be inserted.

Mr. T. DUNCOMBE. — I wish to know why an exception is made in favour of houses where wines and spirits are sold?

SIR M. WOOD. — Those houses are under the control of the magistrates, who have power to close them at eleven o'clock, if they think proper.

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The clause was then agreed to, with verbal amendments.

Clause 51. "Freemen of Vintners' Company not to sell wine by retail without licence."

On the motion of Mr. ALDERMAN WOOD, this clause was postponed.

Clause 52. "Public houses to be shut on the morning of Sundays, Christmas Day, and Good Friday, between 8 A. M. and 1 P. M.

On this clause being put, —

CAPTAIN WOOD said: — Does the clause extend to inns on the road-side in the neighbourhood of London?

Mr. HAWES. — Landlords are entitled, under the Licensing Act, to serve *bonâ fide* travellers.

Mr. FOX MAULE. — The Honourable Member is aware that public houses must be closed during the hours of Divine service. Now, the practice has hitherto been to shut their doors exactly at the time that persons were on their way to church; and the consequence has been, that drunken people have been turned out into the streets, from the public houses, and great complaints have been made of the annoyance thus caused to respectable and orderly passengers.

Mr. PRYME. — I cannot see why, in the metropolis, those houses known as gin-shops should be open on Sunday mornings before eight o'clock. It can be for no purpose of utility or propriety, but, on the contrary, only for that of the vilest drunkenness, that these gin-shops are open at so early an hour on Sunday mornings as they now are; and I appeal to my Honourable Friend whether it would not be better to keep them closed until one o'clock?

Mr. HAWES. — I think that to fix the hour of eight would obviate all inconvenience.

Mr. KEMBLE. — If the object of the clause, as it stands, is to prevent the scandal of drunken persons being about the streets on Sunday morning, the object will obviously be much better answered by keeping the liquor-shops shut altogether till one o'clock; for, I would ask, in plain common sense, what earthly purpose can persons have in going to gin-shops at six in the morning, but that of getting drunk?

The clause, as amended, was agreed to.

Clause 53. "Publicans not to supply liquor to persons under fourteen years old."

Agreed to.

Clause 54. "Publicans and cook-shop keepers permitting thieves or prostitutes to assemble."

On this clause being put, —

COLONEL SIBTHORP said: — I must object to this clause. Am I to understand that a poor unfortunate woman, if she wants refreshment, is not to go into a public house to get it?

The clause was agreed to.

Clause 55. "Persons keeping cook-shops, &c., and allowing internal communication with an adjoining public house."

Clause 56. "Power to enter unlicensed theatres."

The above clauses were severally agreed to.

Clause 57. "Places used for bear baiting, cock fighting, &c."

On this clause being put, —

COLONEL SIBTHORP said: — I should like to know whether this clause is to extend to such a place as the Hippodrome? for, if so, you might as well extend it at once to hunting and shooting, and all the amusements of the people.

The clause was agreed to.

Clause 58. "Commissioners empowered to authorise superintendents of police to enter gaming-houses."

Clause 59. "Extension of 5 Geo. IV. c. 83. to all gaming in the streets, &c."

Clause 60. "Proof of gaming for money, &c. not necessary in support of informations for gaming."

The above clauses were severally agreed to.

Clause 61. "Extension of 39 & 40

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Geo. III. c. 99. s. 21. from twelve years to sixteen years."

On this clause being put, —

Mr. HAWES said: — I entertain an objection to this clause. The pawnbrokers carry on their business under a special Act of Parliament; and I think that, when a particular trade is regulated by one law, you should, if the practice of that trade require alteration, amend the law itself; but that you ought not to effect your alteration by a clause in another Act. If it be necessary or expedient to alter or amend the law relating to pawnbrokers, do this by means of a Bill to amend the Pawnbrokers Act; but do not bring the trade under the provisions of a Bill for the general regulation of your police. Entertaining this view, I shall move that so much of this clause as relates to pawnbrokers be omitted.

Mr. FOX MAULE. — There is no very material alteration on this point contemplated. All that is proposed to be done by this clause is, to extend the law, as it at present stands, with relation to the age of young persons from whom the pawnbrokers are permitted to take pledges, from the age of twelve to that of sixteen years.

Mr. LAW. — But the proposed alteration may be productive of great practical inconvenience to many poor persons who are compelled to resort to the pawnbroker for temporary accommodation. Suppose the case of poor parents in sickness, and having no other agent to send to the pawnbroker's than a son or a daughter of fifteen years old. The consequence will be, that they cannot obtain the necessary assistance on account of the messenger being a few months under the requisite age.

Mr. HAWES. — The point I raise is this; — is it wise to place a regulation affecting this trade in one Act of Parliament, when they have a specific Act for their own trade. I repeat, if you want to amend or alter the law on the subject, do it by amending the Pawnbrokers Act.

The clause was then agreed to.

Clause 62. Extending the provisions of 39 Geo. III. c. 58. (local) to the metropolitan police district.

On the motion of Mr. GOULBURN, this clause was struck out.

Clause 63. "Commissioners of police to regulate the route and conduct of persons driving stage carriages, &c. during the hours of divine service."

Clause 64. "Regulations for preventing obstructions in the streets during public processions, &c."

Clause 65. "Proprietors of stage carriages not liable to penalties for deviating from route."

The above clauses were severally agreed to.

Clause 66. "Prohibition of nuisances in the public streets and thoroughfares."

On this clause being put, —

Mr. FOX MAULE said: — The several nuisances enumerated in this clause are, most of them, provided for by 60 Geo. III. c. 9. The first of them is that of exposing horses for sale.

SIR EDWARD KNATCHBULL. — I really think that that provision is unnecessary and objectionable.

Mr. HAWES. — Such a clause is in almost every local Act.

COLONEL SIBTHORP. — You cannot break carriage horses, properly, unless you drive them about the streets; and I hope that the words "or break" will be omitted.

The section was then agreed to.

Sections 2. and 3. were severally agreed to.

On section 4. of the clause ("Riding on carriages without reins, &c.") being put, —

Mr. FOX MAULE said: — I propose, here, to introduce a section, providing against children and others getting up and riding behind carriages, — a practice by which several lamentable accidents have lately occurred.

The remaining sections were severally put, and agreed to, with verbal amendments. The clause, as amended, was then put, and agreed to.

Clause 67. "Drunkards guilty of indecent behaviour may be imprisoned."

On this clause being put, —

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Mr. GOULBURN said: — This clause is a grave and serious alteration in the law, and surely the operation of it is too harsh. There might be cases where the offence would be really venial, and the magistrate himself would not wish to inflict so severe a punishment.

Mr. HAWES. — In very many of the cases of this kind, which come before the police magistrates, the parties are of the rank and fortune which render a pecuniary fine no punishment whatever, — persons of a grade in society who ought to set a far better example. Now, I think, under such circumstances, this clause is most imperatively called for; and, if it pass, the breakers of the law, in this respect, will understand that if they think proper to play their drunken and indecent pranks in future, they will be punished in a way that they will deem, perhaps, not quite so light as a slight pecuniary fine.

Mr. GOULBURN. — That I should have no objection to, if the clause were confined to such cases; for I fully admit, that when persons of education, and moving in the higher ranks, so far forget themselves as to be guilty of outrages on public decorum, they richly merit to be punished with severity. But take the case of a person moving in the lower ranks of life, who, at a meeting of his friends, has had a little too much drink; — it seems harsh to visit him with such a severe imprisonment for some undesigned indecency.

Mr. FOX MAULE. — The Right Honourable Gentleman mistakes the operation of the clause. The magistrate will still retain the power of inflicting the usual pecuniary fine, as before; but if the individual brought before him be in that situation that a fine of five shillings will be no punishment whatever upon him, then the magistrate is to have power to inflict that which shall be really a punishment, and which the offender will deserve much more than the poorer and more ignorant man. This clause gives a discretionary power to the magistrate; he has still power to inflict the fine of *5s.*, if he shall think the circumstances of the case warrant him in doing so. I think this clause will be very advantageous, and it will also apply to other cases not fit for the ears of this assembly.

Mr. T. DUNCOMBE. — I would propose, then, to insert these words: — "Provided that such person be not a labouring man."

Mr. FOX MAULE. — The effect of which would be, to allow all the labouring men in the country to get drunk with impunity.

LORD VISCOUNT SANDON. — But this clause seems rather to be directed against persons than against offences.

Mr. HAWES. — The evidence of almost all the magistrates before the committee was, that there was no adequate punishment against offenders of a certain class, who, when drunk, committed certain offences. Unless this summary method be adopted, there can be no protection for the public against the drunken frolics of men whose fortunes enable them to laugh at a pecuniary fine.

LORD VISCOUNT SANDON. — I should like to know from the Honourable Gentleman who inveighs so much against rich drunkards, what he would do in the case of a rich man who indecently exposes his person when sober, — which is the more disgusting offence of the two. Surely the fine of *40s.* — which I find is the penalty in the 11th section of Clause 66. — is not an adequate punishment for that? Why is not this man to be sent for fourteen days to prison? Again, why is not the rich man who furiously rides or drives, so as to endanger life and limb, to be sent for fourteen days to hard labour and confinement?

Mr. GOULBURN. — This is an attempt to introduce into the whole system of law a distinction which never was recognised before. If we are, according to the theory of the Honourable Member for Lambeth, to have grades of punishment applicable to ranks, — from the richest man to the poorest, — then he ought not to begin with a limited district in and about the metropolis, without extending his principle throughout the country; and, also, if his principle be a right one, it ought not to be applied to the offence of drunkenness alone, but to all the crimes of society.

LORD JOHN RUSSELL. — The Right Honourable Gentleman knows perfectly well, that, if a Bill were to be introduced, extending throughout the country, and pretending to regulate crimes and punishments on a new scale, it would be obnoxious to a vast number of objections; every part of it would be found fault with and criticised, and the end would be, that no such Bill would be likely to pass. Now, if I see that there can be made a practical amendment of the law in one particular instance, it is scarcely a

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valid objection against that amendment, to say, that the principle is a good one, and ought to be extended throughout the whole law. This House knows perfectly well that there have been, recently, many instances — not three, four, or five, but instances constantly occurring, in the streets of London — of persons of rank, in a state of drunkenness, assaulting and injuring peaceable passengers while in the pursuit of their lawful occupations. Now, these offenders have been hitherto liable to only a small pecuniary fine, amounting to, perhaps, not a fiftieth part of what they had been expending in the course of the same evening on their dinner or supper, and wine. Here you have entirely a different case from that of a poor man, who is fined 5*s*., and, perhaps, sent to prison because he cannot pay it. The Noble Lord the Member for Liverpool asks, "if the principle of this clause be a good one, why not extend it to other offences" which he instanced? But this happens to be the most common offence, and that which most calls for a summary jurisdiction such as that which is proposed. With regard to the offence of indecently exposing the person, there certainly are instances in which compromises have taken place; but there are likewise many cases in which persons have been indicted, and severe punishment inflicted. Here is however, the case of an offence well known to be of frequent occurrence, which has often been attended with serious consequences; and police constables have been much injured in the execution of their duty by these drunken revellers: it is time something should be done; and I see no valid objection to the clause.

LORD VISCOUNT SANDON. — It is not too much to expect, when we find a certain principle pervading one of a series of acts, that the same principle should pervade the whole. For example: I find, in the 18th section of Clause 66., that "every person who shall wilfully and wantonly disturb any inhabitant by pulling or ringing any door-bell, or knocking at any door, without lawful excuse, or who shall wilfully and unlawfully extinguish the light of any lamp," is subjected to a penalty of 40*s*. for every such offence. Now, these identical persons against whom most of the observations and strictures that have been made were directed, have been often brought before the magistrates for the offences I have just read from the clause; and those magistrates have much regretted they had not the power of inflicting a greater punishment than they had by law. And I must add, with respect to the two offences of indecent exposure of the person and furious riding or driving, that they ought to be included in this clause, so as to be brought within the punishment of the fourteen days' hard labour.

Mr. WALLACE. — Drunkenness is mostly the cause of the other offences which have been particularly alluded to. It has been said that this measure extends only to a certain district in and around London; but are we not looking forward to the institution of a system of police throughout the entire country?

[Cries of "Hear, hear!"]

I think the police force ought to be so extended; and I think, also, we ought to adhere to this clause.

Mr. T. HOBHOUSE. — The distinction between offences in this and the preceding clauses seems to be simply this: — the exposure of the person, when the individual is sober, is only visited with a fine of 40*s*.; but, when accompanied by drunkenness, — which is, perhaps, the less disgusting or more palliated misdemeanour of the two, — the offender is condemned to fourteen days' hard labour. Thus, the Noble Lord is not comparing the difference of punishment between a rich man and a poor man, but between a rich man and a rich man. The object of the Noble Lord was to show that a rich man who should expose himself when sober was to receive a less punishment than for the same action when drunk. I must repeat that the Noble Lord was not comparing the case of the rich and the poor man, but the case of the rich man and the rich man with respect to very different circumstances.

LORD JOHN RUSSELL. — Nothing has been said against the principle of the clause.

LORD VISCOUNT SANDON. — I never did object to the clause at all. But I say that you have no right to erect this particular vice of drunkenness so conspicuously as the object of your penalties, when other offences of greater enormity and indecency are passed over more leniently.

Mr. T. DUNCOMBE. — With relation to the limits of this Act, it strikes me as an enormous absurdity, that, anywhere within fifteen miles of where we are now sitting, a man, if he get drunk, is to be sent for fourteen days to prison and hard

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labour; while, if he go a quarter of a mile further, he shall find no such rule in existence. I beg to say that, when the question is put, I shall take the sense of the House on this objection.

Mr. DARBY. — It does appear ridiculous, that, if a man travel down to Windsor or Brighton, he may get drunk for the forfeit of 5*s.*; but if he commit the same offence in London, he is to be sent for fourteen days to prison. If there be a division, I shall divide with the Honourable Member for Finsbury.

The committee then divided upon the question, "That the clause stand part of the Bill: — Ayes 75; Noes 7; — Majority 66.

AYES.

Abercromby, Hon. G. R.	Noel, Hon. W. M.
Aglionby, Major	O'Connell, John
Alsager, Captain	O'Ferrall, R. M.
Archbold, R.	Pigot, D. R.
Bailey, J.	Plumptre, J. P.
Baines, E.	Pringle, A.
Baring, F. T.	Rae, Rt. Hon. Sir W.
Barry, G. S.	Rice, E. R.
Beamish, F. B.	Rickford, W.
Bewes, T.	Round, C. G.
Blake, W. J.	Rundle, J.
Busfeild, W.	Russell, Lord J.
Chalmers, P.	Rutherfurd, Rt. Hn. A.
Clive, E. B.	Salwey, Colonel
Collier, J.	Sandon, Lord Visct.
Colquhoun, J. C.	Scholefield, J.
Curry, Mr. Serjeant	Scrope, G. P.
Davies, Colonel	Sheppard, T.
Donkin, Sir R. S.	Smyth, Sir G. H.
Elliot, Hon. J. E.	Somerset, Lord G.
Filmer, Sir E.	Steuart, R.
Finch, F.	Stock, Dr.
Goulburn, Rt. Hon. H.	Strutt, E.
Hawes, B.	Talfourd, Mr. Serjeant
Hepburn, Sir T. B.	Teignmouth, Lord
Hindley, C.	Thornely, T.
Hobhouse, T. B.	Vigors, N. A.
Hodgson, R.	Wallace, R.
Hope, G. W.	Warburton, H.
Horsman, E.	White, A.
Howick, Lord Visct.	Wilbraham, G.
Hutton, R.	Williams, W. A.
Kemble, H.	Winnington, T. E.
Kinnaird, Hon. A. F.	Wood, C.
Knatchbull, Rt. Hon. Sir E.	Wood, Sir M.
Law, Hon. C. E.	Wood, G. W.
Marsland, H.	*Tellers.*
Morris, D.	Maule, Hon. F.
Nicholl, J.	Rolfe, Sir R. M.

NOES.

Craig, W. G.	Wood, T.
Dundas, C. W. D.	
Pechell, Captain	*Tellers.*
Sibthorp, Colonel	Darby, G.
Smith, B.	Duncombe, T.
Williams, W. (Cov.)	

The clause was then agreed to, with verbal amendments.

Clause 68. "Prohibition of other nuisances."

Upon this clause being put, —

Mr. DARBY said: — I object to there being one principle of law in London and another in the country, which will be the effect of the clause as it stands.

Mr. T. DUNCOMBE. — It certainly appears to me that, if the principle be good in one case, it is equally so in the other, and that it is as good for the city of London as for the police district included in this Bill.

Mr. FOX MAULE. — It is intended that these clauses should extend to the city of London, as well as to other places. It is not the intention that a man should commit an offence in the city of London with impunity, for which he would be liable to punishment if committed elsewhere.

Mr. W. WILLIAMS. — The Honourable Gentleman, who has just spoken, forgets that the city of London is entirely exempted from the operation of this Act; therefore, the penalties affixed by these clauses to petty offences do not extend to the city of London. I believe, indeed, the Noble Lord will not venture to attempt such an extension, or he would be again frightened out of it the next day, and be counselled by the Honourable Alderman below me (Sir M. Wood) to abandon it, in order to conciliate the good will of the citizens of London.

Mr. FOX MAULE. — The clauses which relate to nuisances, and petty offences of that nature, will extend to the city of London. It is intended that the city police shall have the same power as to these matters, under the new Bill, which they have now under the existing law.

LORD GRANVILLE SOMERSET. — Perhaps the Honourable Gentleman will make a motion to extend the operation of these clauses to the city of London, now? We should then know that we were legislating for all places alike.

Mr. FOX MAULE. — I think it would be better to move clauses to that effect, on bringing up the Report.

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Mr. LAW. — That will be a violation of the pledge already given to the city. It has been promised that the principle of the new enactment shall not be introduced into the city; but it now seems to be intended to introduce the substance of it in details.

Mr. FOX MAULE. — That pledge applied to the management of the police force, which will be left with the city. But there was no pledge to exempt the city from any changes that Parliament might think fit to make in the criminal law.

SIR MATTHEW WOOD. — The Honourable Member for Coventry supposes that I would oppose the introduction of clauses into the London Police Bill for extending this part of the enactment to the city. I can only say that if the Noble Lord, who has the management of the Bill, had proposed such clauses, there would have been no objection made to them by me.

Mr. GOULBURN. — I think it is fortunate that these enactments of the House are not brought under the notice of the colonial Legislatures; for I find, in a despatch of Lord Glenelg to the Governor of Barbadoes, that he objected to an Act that had been passed by the Legislature of that colony, under which persons who permitted dancing in their houses, or other noisy amusements, were to be punished. This clause takes cognizance of offences almost analogous; for we find that people are to be punished for blowing horns in the streets, or shaking a mat at the door. Lord Glenelg said, with respect to the Barbadoes Act, that he could not consent to give powers which might be so easily abused, even to a stipendiary magistrate of a colony. Do you not think, then, that, if this Bill were submitted to the Legislature of that colony, they would feel some degree of astonishment?

The clause was then agreed to.

Clauses 69. to 83. inclusive, were severally put, and agreed to.

Clause 84. ("If penalty is not paid, offender may be committed") was struck out.

The remaining clauses of the Bill were then agreed to. The House resumed; Bill to be reported to-morrow.

IMPRISONMENT FOR DEBT ACT AMENDMENT BILL.

On the motion of the ATTORNEY GENERAL, Order of the Day for the committee on this Bill read. On the question being put, "That Mr. Speaker do now leave the chair," —

Mr. SHEPPARD said: — Sir, I rise, according to my notice, to move, That it be an instruction to the committee that they have power to receive a clause to provide "that the judgment required by the beforesaid Act, previous to a debtor's discharge, subjecting any property that may otherwise accrue to the debtor, at any period (exclusive of all assets, prospects, and claims set forth in his schedule), shall cease to be of effect beyond the term of three years from the date of the discharge of the debtor." I am induced to offer this clause to the consideration of the House, under the impression that the Imprisonment for Debt Bill, — which was passed as a measure of mercy to the debtor, — has been much less so than was expected by its promoters. That provision of the existing Act which makes all property that an insolvent debtor may become possessed of, at any after-period of his life, liable to the payment of his debts, does appear to me to be even less merciful than the old law of debtor and creditor; and I feel that it is in every way so opposed to justice and humanity, that I can scarcely suppose that the House will refuse to apply a remedy.

The ATTORNEY GENERAL. — Nothing, Sir, would give me greater pleasure, after the good feeling which the Honourable Gentleman has shown in bringing forward this clause, than to be enabled to concur in it; but I feel it my duty, though reluctantly, to oppose the motion. In the first place, the House must recollect that this is not a general Bill to revise and amend the Imprisonment for Debt Abolition Act of last year. It is brought in for a distinct and specific purpose, — namely, to remove that great hardship which is inflicted by the Act I have mentioned on the proprietors of newspapers, by compelling them to insert in their papers, advertisements of any length, for the very small remuneration of 3*s.*, to the exclusion of more profitable matter. If the Honourable Member for Frome feels so strongly upon this matter, the better course for him would be to bring in a distinct Bill for amending the Act of last year; the subject would then

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be fairly and directly brought before the House, and receive that discussion to which it is entitled. I apprehend, however, that the Honourable Gentleman would find more difficulties in the way of his proposition than he appears to imagine. For my own part, I should be delighted to see the honest debtor freed from his liabilities, and, upon a fair surrender of his property, left to pursue the paths of honest industry unfettered; but it cannot be denied that there are, at all times, many fraudulent debtors, who would, by such a law as that the Honourable Member proposes, be enabled to defraud their creditors, and set them at defiance. I think, too, that the existing law is not quite so severe upon the debtor as the Honourable Gentleman seems to suppose; for the creditor has not, now, the power of coming upon the property which an insolvent debtor may acquire after his insolvency, by his own authority; — that power rests with the Insolvent Debtors Court. Under the judgment, the creditor has no remedy; all he can do is, to make an application to the court; and the court will interfere, or not, at its own discretion. If it should appear that effects have accumulated to the debtor, which might be properly distributed among the creditors, in discharge of their claims, the court can make an order accordingly. But the authority of the court always stands as a protection to the debtor against any injustice on the part of the creditor. Therefore, under all the circumstances of the case, I feel it my duty to resist the Honourable Member's motion.

Mr. WARBURTON. — I quite agree with the Honourable and Learned Gentleman who has just sat down, that it would not be fair to the great mass of creditors in the country, to admit such a clause as that now proposed, without sufficient notice being given to them, by any other means than by a Bill brought in for that specific purpose. The object which the Honourable Gentleman has in view may be a very proper and praiseworthy object; but it should be considered that there is a very large number of creditors, who are interested in such an alteration of the existing law of debtor and creditor, and who are entitled to that notice which the introduction, and passing through its various stages, of a specific Bill on this subject would give them. I trust the Honourable Member will see the propriety of withdrawing his motion.

Mr. SHEPPARD. — Seeing the little chance I should have of success, were I to carry my motion to a division, I will not trouble the House by pressing the introduction of the clause; and will ask leave to withdraw it.

The motion was then, by leave, withdrawn.

Mr. BAINES. — Sir, I rise to move, That it be an instruction to the committee, that they have power to receive certain clauses for the purpose of carrying out more effectually the intentions of the Act of last year. As the law now stands, it is necessary for persons who may be confined in county gaols for debt, to come up to London to put in sureties before they can be liberated. The consequence of this restriction is, that many persons are lying in the various gaols throughout the country, because they are not able to incur the expense of bringing their sureties up to London,—where, alone, the bail can be received. In York, alone, there are fifty-six persons thus confined. The object I have in view is, to give the debtor an opportunity of putting in bail in the country, instead of compelling him to come up to London for that purpose. The clauses that I wish to have introduced in committee are as follow: —

"And whereas it is expedient that persons residing at a distance greater than ten miles from the Court-house in Portugal Street, who may be willing to enter into recognizances of sureties for the due appearance of insolvent debtors before the court, or before commissioners on their circuits, or before justices of the peace in Berwick upon Tweed, should be enabled to enter into such recognizances without the necessity of appearing for such purpose before the court itself at its usual and ordinary place of sitting; be it therefore enacted, that the chief commissioner, and other the commissioners of the Court for the Relief of Insolvent Debtors for the time being, shall, and may, by one or more commission or commissions under the seal of the said court, from time to time, as occasion shall require, empower such and so many fit and proper persons as they shall think necessary in all and every the several towns and counties within England and Wales, and the town of Berwick upon Tweed, to take and receive all and every the recognizance or recognizances of sureties into which any persons shall be willing to enter for the due appearance of insolvent debtors, according to such several and respective recognizances, and in such form as the court, in pursuance of the statute in that behalf, may and shall direct and require.

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"Be it further enacted, that in any case of a prisoner, whose estate and effects shall have been, or shall hereafter be, by order of the Court for Relief of Insolvent Debtors, vested in the provisional or other assignee, and who shall be confined in the gaol of any county, town, or place, other than in London, Southwark, Middlesex, or Surrey, and who shall have filed his schedule in the said court, according to the statute in that behalf, it shall and may be lawful for any person or persons who may be willing to enter into such recognizances as before mentioned, whose usual and ordinary place of residence shall be distant more than ten miles from the Court-house in Portugal Street, London, to appear before a person duly appointed and empowered in manner aforesaid, and there to enter into and acknowledge such recognizance of sureties for the due appearance of the insolvent, according to such forms and in such terms and manner as shall or may be prescribed by the said court; which said recognizances of sureties, so taken as aforesaid, shall be transmitted and filed in the said court, with an affidavit of the due taking of the said recognizances of such sureties by some credible person present at the taking thereof, upon payment of such fees as have been usually received for the taking of recognizances in the said court; which recognizances so taken, transmitted, and filed, shall be of the like force and effect as if the same were taken before the said court: for the taking of every such recognizance of sureties, the person or persons so empowered shall receive only the sum or fee of two shillings and sixpence, and no more.

"And be it enacted, that the commissioners of the said court shall make such rules and orders, regulating the amount, and for the taking of such recognizances, as to them shall seem meet, so as such sureties be not compelled to appear in person in the said court to justify themselves; but the same may and is hereby directed to be determined before the said court, or a commissioner thereof, by affidavit or affidavits duly taken before the person or persons so empowered as aforesaid, who are hereby empowered and required to take the same.

"And be it enacted, that any commissioner of the said court, on his circuits, shall and may take and receive all and every such recognizance or recognizances of sureties as any person or persons shall be willing to make and acknowledge before him; which, being transmitted, shall, without oath, be filed in manner aforesaid, upon payment of the usual fees."

"And be it enacted, that as soon as such sureties shall have justified by affidavit, in manner aforesaid, and such recognizances as hereinbefore mentioned shall have been filed, the said court shall thereupon issue a warrant to the gaoler for the discharge of such insolvent from custody accordingly, and who shall have such and the like privileges, and be subject to such and the like liabilities, as the statute in that behalf directs."

The ATTORNEY GENERAL.—I rise, with much pleasure, to second the motion of the Honourable Member for Leeds. I approve of his proposition entirely; indeed, I could not do otherwise, because, in point of fact, the object of it is to carry more completely into effect the Bill in which I took so much interest last year. I second the motion, which I understand to be an instruction to the committee to alter the title of the Bill, and to insert certain clauses, &c.

Upon the question being put, "That it be an instruction to the committee, that they have power to receive such clauses,"—

Mr. WARBURTON said:—I think, Sir, if this motion be agreed to, the Honourable Member for Frome will have good cause to complain. The object of this Bill, according to its title and contents, is merely to give relief to the proprietors of newspapers, who are now compelled to insert in their papers advertisements relating to estates of insolvent debtors, of any length, at one certain fixed price. That is a matter of detail not at all relating to the main object of the Imprisonment for Debt Act. The clauses now proposed, like that which has been submitted by the Honourable Member for Frome, relate to the substance of that Act, and are intended to effect an alteration in it. I do not say that the relief which these clauses propose to give to the debtor in country gaols may not be proper; but it is totally foreign to the professed object of this Bill, and, like the clause of the Honourable Gentleman opposite, ought to form the subject of another Bill to amend the Act of last year.

Mr. JERVIS.—I apprehend that the object of the Bill now before us is to remedy certain defects in the Act of last year. But the object of the new clause proposed by the Honourable Member opposite (Mr. Sheppard) was, to free the insolvent from the liability attaching to his future attained property;—that would have been an alteration in the principle of that Act, as well as a departure from that of the pre-

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viously existing law; for, by that law, the insolvent was still liable, in any property he might become possessed of subsequent to his insolvency. The clauses which the Honourable Member for Leeds has submitted are for the purpose of enabling persons residing in the country to put in bail without incurring the expense of bringing their sureties up to London. This, then, is a mere alteration of detail, and not of principle; and I trust the House will allow it to be incorporated with this Bill.

CAPTAIN PECHELL. — I hope no objection will be made to the introduction of this clause. It has been called for by all parties; and it is a well-known fact that many persons are at this time confined in gaols in the country, merely because they have not the means of coming up to London to put in bail.

Mr. T. B. HOBHOUSE. — I agree with the Honourable Member for Bridport, that, however desirable these clauses may be, it is not proper that they should form a part of the Bill now under consideration. This Bill is for the specific purpose of freeing the proprietors of newspapers from a certain liability to which they are now subject; but if you admit these clauses, you will be introducing a matter relating to imprisonment for debt. I think the Honourable and Learned Attorney General is acting somewhat inconsistently in admitting these clauses, after having refused to entertain the proviso which the Honourable Member for Frome just now proposed. These clauses are inconsistent with the preamble of the Bill.

The ATTORNEY GENERAL. — The moment the words are struck out of the preamble, which my Honourable Friend proposes to strike out, these clauses may very properly be introduced.

The motion was then put, and agreed to; clauses inserted; Bill considered in committee; to be reported to-morrow.

PERTH PRISON (APPLICATION OF MONEY FROM THE CONSOLIDATED FUND).

Resolution reported,—"That a sum, not exceeding 10,000*l.*, be advanced out of the Consolidated Fund of the United Kingdom of Great Britain and Ireland, towards defraying the expense of converting into a prison the buildings at Perth, now belonging to Government, and formerly used as a place of confinement for French prisoners of war."

Resolution agreed to; instruction to the Committee on Prisons (Scotland) Bill, that they have power to make provision therein accordingly.

WAYS AND MEANS — SUGAR DUTIES.

Resolution reported,—"That, towards raising the supply granted to her Majesty, the several duties on sugar and molasses now payable, and the bounties allowed thereon, be further continued."

Resolution agreed to; Bill ordered to be brought in by Mr. CHANCELLOR of the EXCHEQUER and Mr. BARING. Bill for granting to her Majesty certain duties on sugar imported into the United Kingdom for the service of the year 1839, presented, and read a first time; to be read a second time on Monday next; and to be printed.

WINDSOR CASTLE STABLES BILL.

Considered in committee; to be reported to-morrow.

BILLS OF EXCHANGE BILL.

Considered in committee, and reported, without amendment; to be read a third time to-morrow.

JOINT TENANTS VOTING (IRELAND) BILL.

Read a second time, and committed for Monday next.

BANKRUPTS (IRELAND) BILL.

Order for further consideration of Report, read; Bill recommitted; considered in committee, and reported; further consideration of Report on Monday next; Bill, as amended, to be printed.

CUSTODY OF INFANTS BILL.

Reported; to be read a third time on Thursday next.

BRICK DUTIES BILL. — PRISONS (SCOTLAND) BILL.

Committees deferred till this day.

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COPYHOLDS ENFRANCHISEMENT BILL.

Reported; to be read a third time on Monday next.

WRITS (SCOTLAND) BILL.

Second reading deferred till to-morrow.

FICTITIOUS VOTES (SCOTLAND) BILL. — REGISTRATION OF ELECTORS (SCOTLAND) BILL.

Second readings deferred till Thursday next.

ELECTION PETITIONS TRIAL BILL.

Committee deferred till Monday next.

HIGH SHERIFFS' EXPENSES BILL.

On the motion of COLONEL DAVIES, the Order of the Day for third reading, read.

Upon the question being put, "That this Bill be now read a third time," —

SIR E. KNATCHBULL said: — This, Sir, is a Bill of much consequence; and, although many of its provisions are most objectionable, it has passed on to the third reading, by some accident or other, without discussion. I hope, under these circumstances, the Honourable and Gallant Member will not press on the third reading at this late hour.

COLONEL DAVIES. — I really cannot consent to postpone this Bill: it has gone regularly through its previous stages, and has been regularly noticed in the votes of the House; therefore, that no discussion has been raised upon it, cannot be laid to my charge.

SIR E. KNATCHBULL. — As the Honourable and Gallant Member is determined to press his motion, it becomes my duty to oppose the third reading of this Bill; and I think, Sir, the House will agree with me, that a Bill of so much importance, and which has hitherto escaped general observation, ought not to be pressed through its final stage without some opportunity of discussing it being given to us. I am not aware whether the Government intend to support this Bill, or not; but this I know, that many of the clauses are very objectionable. I have heard no statement from the Honourable and Gallant Member, to prove that it is necessary to take these expenses off the sheriffs, and to throw the whole burden on the county rates, as his Bill proposes. But there are various inconsistencies in the clauses: — one is, that the high sheriff is to have the appointment of the javelin-men and trumpeters; while the county is to pay for them. Then, again, the judges' lodgings are to be paid for by the county. I certainly shall divide the House against the passing of such a Bill, at this hour of the night; and, accordingly, I will move, as an amendment, to leave out the word "now," and at the end of the question add the words "this day six months."

Question proposed, "That the word proposed to be left out, stand part of the question."

Mr. BARNEBY. — I was in some degree favourable to the Bill that was brought in for a similar purpose on a former occasion; but further reflection convinces me that we ought not, by an Act of Parliament, to prevent the high sheriffs from paying those expenses to which they have hitherto been subject. The second clause of this Bill requires that the sheriff shall appoint javelin-men and trumpeters, who are to be paid and clothed by the county. Now, I object strongly to giving the sheriff this patronage, if he is to be freed from the expense. The third clause, which provides that lodgings shall be provided for the judges at the expense of the county, I do not think so objectionable; though I do not see why the provision should be made by the clerk of the peace. But to the third clause I wish especially to direct the attention of the Honourable Gentleman the Under Secretary of State for the Home Department. Its objectionable tendency was first brought to my notice by Mr. Phillips, of the Home Office, who told me that he did not believe the Government would allow the Bill to pass unless that clause was expunged. The words of the clause are, "No sheriff shall be required to proceed from, or leave the town in which the assize is to be held, for the purpose of meeting the judge or judges of assize." The law of the land requires that the sheriff shall go out to meet the judges, and escort them into the town wherein the assize is to be held.

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And in many cases — that of a riot for instance — this protection might be absolutely necessary; yet here is a clause that prohibits the sheriff from affording it; and I have only to add, that I shall support my Right Honourable Friend in his opposition to the third reading of the Bill.

COLONEL DAVIES. — This Bill was agreed to by the committee which sat upon the subject; and of those Members of that committee who were favourable to the Bill, the Honourable Member who has just spoken was one. Indeed, the Honourable Member was the author of one of the clauses. I am, therefore, at some loss to conceive what has occurred to change his opinion. The Right Honourable Baronet (Sir E. Knatchbull) asks for some statement to prove the necessity for the Bill. I can only say, that it was the opinion of the select committee to which I have alluded, that it is my own opinion, and I believe that of the great majority of persons both in the House and out of doors, that gentlemen who are called upon to perform the very onerous and unpaid duties of high sheriffs ought not to be required to pay such expenses as those which it is the object of this Bill to exempt them from. Considering the manner in which this Bill has been received, and that it has been allowed to proceed on to the third reading without opposition, I cannot believe that the House will now reject it. I shall therefore persist in carrying my motion to a division.

LORD J. RUSSELL. — I can only say, that I shall vote for the third reading; and for this reason, — that I think it is an unnecessary hardship to inflict upon gentlemen — perhaps of small fortunes — who may be called upon to fill the office of sheriff, that they should have to bear these expenses. I should state, however, that if the House should agree to the third reading, I shall feel it my duty to object to the passing of the fourth clause, and shall move that that clause be omitted.

Mr. DARBY. — By the clauses of this Bill, the sheriff is not obliged to give any fee to any officer, but he may make an allowance if he think proper. He is not now obliged to do so; though if he choose, he may, even without this Bill. This Bill leaves the law in this respect just as it now stands. The Honourable and Gallant Member has done nothing at all by this Bill. Many of the expenses and fees are refused to be paid by sheriffs, now. In Sussex there is a distinct sheriff's fund; and by applying to this fund, the sheriff may get rid of many of the expenses attendant upon the office. The Bill provides for no alteration, except as to the place of meeting the judge; and it appears to me so utterly inefficient, and so very objectionable, that I shall feel it my duty to oppose it.

Mr. J. JERVIS. — In my opinion, the Bill does not go far enough in its enacting clauses. In the second clause, it is provided that javelin-men shall be appointed by the sheriff, in number not less than 10 nor more than 22. And it is also provided that they shall be paid and clothed by the clerk of the peace out of the county rates. But is he to provide them with new clothes every year? if not, he might find that one sheriff would appoint men six feet high, while another would appoint men five feet high as javelin-men: and again, if there be no restriction, the sheriff might change his javelin-men three or four times during his year, and thus put the county to the expense of providing clothes three or four times within the year. The Noble Lord (Lord J. Russell) objects to the fourth clause, which I think the most useful of the whole. By the existing law, the sheriff is compelled to go out and meet the judge, and provide a carriage to convey him into the town; and if the judge is dissatisfied with the carriage so provided for him, he may inflict a fine upon the sheriff. This is a great hardship; and in some of the counties of Wales, where the class of country gentlemen, from whom the sheriffs are chosen, do not keep carriages, and where carriages are not very easily obtained, it is a very serious inconvenience, and makes those persons very reluctant to undertake the office. It is not very long since that a case occurred in Merionethshire, in which the sheriff was fined by the judge. The sheriff had hired the best carriage he could obtain in the neighbourhood to convey the judge into the assize town; but the judge, not feeling satisfied with it, fined the sheriff 20*l.*, — which fine was levied. The sheriff memorialised the judge on the subject, and the grand jury did the same, — stating the fact, that the carriage that had been provided was the best the neighbourhood afforded, — but without effect: subsequently the Treasury was memorialised; and their reply was, that they saw no reason whythe fine should be remitted.

Mr. PARROTT. — The office of sheriff

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is one that is forced upon the party who may be chosen, — it is not sought after by him; and surely it is not just to tax a man, upon whom you impose duties of a very extensive and onerous nature, with these heavy expenses — frequently amounting to several hundred pounds — in addition. I trust the House will not refuse to pass the measure.

The House then divided on the original question: — Ayes 40; Noes 16; — Majority 24.

AYES.

Adam, Admiral	Pigot, D. R.
Archbold, R.	Power, James
Baines, E.	Pryme, G.
Baring, F. T.	Redington, T. N.
Beamish, F. B.	Russell, Lord J.
Blake, W. J.	Rutherfurd, Rt. Hn. A.
Brotherton, J.	Salwey, Colonel
Busfeild, W.	Stanley, Hon. E. J.
Chalmers, P.	Stanley, W. O.
Duncombe, T.	Steuart, R.
Elliot, Hon. J. E.	Stewart, James
Hastie, A.	Strutt, E.
Jervis, J.	Tancred, H. W.
Lemon, Sir C.	Turner, W.
Maule, Hon. F.	Wallace, R.
Mildmay, P. St. John	Warburton, H.
Morpeth, Lord Visct.	Westenra, Hon. H. R.
Morris, D.	Winnington, H. J.
Norreys, Sir D. J.	
O'Connell, Morgan	*Tellers*
O'Ferrall, R. M.	Davies, Colonel
Pechell, Captain	Parrott, J.

NOES.

Aglionby, H. A.	Hodgson, R.
Burroughes, H. N.	Kilburne, Lord Visct.
Collins, W.	Plumptre, J. P.
Darby, G.	Rice, E. R.
Filmer, Sir E.	Talfourd, Mr. Serjeant
Finch, F.	Williams, W. A.
Gore, O. J. R.	
Grimsditch, T.	*Tellers.*
Hector, C. J.	Barneby, J.
Hobhouse, T. B.	Knatchbull, Sir E.

The Bill was then read a third time.

Upon the question being put, "That the Bill do now pass," —

Mr. T. B. HOBHOUSE said: — I object to the first clause in this Bill, which, in my opinion, is absurd, — its only object being to declare that the sheriff shall not be required to do that which he is not now, by law, required to do. The clause should either be made compulsory, or be omitted altogether. I would rather it were omitted.

Mr. J. JERVIS. — Perhaps it would be more regular to allow me, in the first place, to move an amendment on the clause. I move that words be inserted to provide that the sheriff shall not be required to provide a carriage for the judges.

The amendment was then put, and agreed to.

Mr. BARNEBY. — I have an objection to urge against the second clause, and intend to take the sense of the House upon it. By that clause the sheriffs are empowered to appoint their own dependents, as javelin-men, and to call upon the county to pay and clothe those men. This is so unjust in principle, that I feel it cannot stand for a moment. I beg to move the omission of the clause; that is, to leave out from the word "present," in line 1. to the word "and," in line 28.

Question put, — "That the words proposed to be left out stand part of the Bill."

Mr. DARBY. — By the clause as it stands, the sheriff might change the javelin-men at each assizes, and thus come upon the county for pay and clothing for two sets of men.

Mr. F. BARING. — The sheriffs are responsible for their officers; and it is, therefore, but fair that they should have the power of appointing such persons as they may think proper. If the objection of the Honourable Member — that the sheriff ought not to appoint officers he does not pay — were good, it would apply to almost every public office in the country.

The House then divided: — Ayes 36; Noes 17; — Majority 19.

AYES.

Adam, Admiral	Pechell, Captain
Archbold, R.	Pigot, D. R.
Baines, E.	Power, James
Baring, F. T.	Pryme, G.
Beamish, F. B.	Redington, T. N.
Busfeild, W.	Russell, Lord J.
Chalmers, P.	Rutherfurd, Rt. Hn. A.
Duncombe, T.	Salwey, Colonel
Elliot, Hon. J. E.	Stanley, Hon. E. J.
Hastie, A.	Stanley, W. O.
Jervis, J.	Steuart, R.
Lemon, Sir C.	Stewart, James
Maule, Hon. F.	Turner, W.
Mildmay, P. St. John	Warburton, H.
Morpeth, Lord Visct.	Westenra, Hon. H. R.
Morris, D.	Winnington, H. J.
Norreys, Sir D. J.	
O'Connell, Morgan	*Tellers.*
O'Ferrall, R. M.	Davies, Colonel
Parrott, J.	Wallace, R.

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NOES.

Aglionby, H. A.	Knatchbull, Rt. Hon. Sir E.
Brotherton, J.	Plumptre, J. P.
Burroughes, H. N.	Rice, E. R.
Collins, W.	Talfourd, Mr. Serjeant
Filmer, Sir E.	Thompson, Alderman
Finch, F.	Williams, W. A.
Gore, O. J. R.	
Grimsditch, T.	*Tellers.*
Hector, C. J.	
Hobhouse, T. B.	Barnaby, J.
Hodgson, R.	Darby, G.

LORD J. RUSSELL. — I will now move that the latter part of the fourth clause be omitted.

Mr. AGLIONBY. — I think this the most valuable clause in the Bill; and I hope the Noble Lord will, at least, let us know the ground of his objection. We all know that the judge usually travels in his own carriage, and with some state; and surely he does not require the attendance of the sheriff and his javelinmen to attend him into the town in which he may be going to hold the assize.

LORD JOHN RUSSELL. — This clause renders it imperative on the sheriff to meet the judge at his lodgings in the county town. If, therefore, owing to any disturbance in the county, he were called upon to afford protection to the judge in his progress to the town, it would, under the clause as it stands, be a sufficient answer for the sheriff to say that the Act required him to be in the assize town. I do not see any reason for altering the present law as to this subject, and with this view I have moved the omission of the latter words of the clause.

The question, "That certain words be omitted from the clause," was then put, and agreed to. Bill passed.

SLAVE TRADE.

On the motion of CAPTAIN PECHELL, Copy ordered, — "of the Memorial to the Lords Commissioners of her Majesty's Treasury, from Mr. Joseph Woodhead, on behalf of the commander, officers, and crew of her Majesty's brig Buzzard, as captors of the Spanish schooner Circe, of 98 tons, condemned under the late treaty, being illegally fitted for the traffic in slaves, and declared to be 38 tons British admeasurement."

STANNARIES COURTS (CORNWALL).

On the motion of SIR C. LEMON, — Bill "to make further Provision for the Administration of Justice, and for improving the Practice and Proceedings in the Courts of the Stannaries of Cornwall, and for the Prevention of Frauds by Workmen employed in Mines, within the County of Cornwall," — ordered to be brought in by SIR CHARLES LEMON, Mr. PENDARVES, and Mr. SOLICITOR GENERAL. Bill subsequently presented; to be read a first time; to be read a second time on Monday next; and to be printed.

PAYMENT OF RATES.

Mr. PRYME. — I rise, to move — according to the notice that I have given — for leave to bring in a Bill for the more effectual relief of poor persons from the payment of rates or cesses.

Upon the question being put, —

SIR E. KNATCHBULL said: — I believe, Sir, it is not usual to give leave to bring in a Bill of this nature, without the House being put in possession of its character and bearing. If the Honourable Member persist in his motion at this late hour, I shall move, as an amendment, that the House do adjourn.

Mr. BROTHERTON. — As the Honourable Gentleman, yesterday, objected to a most effectual Bill on this subject, I shall support the motion that the House do now adjourn.

Question put, — "That this House do now adjourn."

Mr. PRYME. — This is the same Bill as passed through two stages last Session; and the reason I did not make any statement, to-night, was, that I was anxious to save the time of the House. I am, however, quite ready to do so, if the House is disposed to hear me.

LORD J. RUSSELL. — I think, as there is an objection to the Honourable Member's motion, he had better defer it till another evening.

Mr. PRYME. — I will defer it, then, till to-morrow.

Motion and original motion were then severally, by leave, withdrawn.

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THE POOR LAW COMMISSION CONTINUANCE.

LORD J. RUSSELL. — I rise to ask leave to bring in two Bills with regard to the Poor Law Amendment Act. I have already stated that, at this period of the Session, I think it is too late to introduce the measure which I originally intended to bring forward, as that comprises a very extensive detail, and touches upon matters which have been much discussed both in the House and before the select committee. All, therefore, that I at present wish to do is, to prevent the Poor Law Commission from being suddenly put an end to. Accordingly, I propose to extend the power of the Poor Law Commissioners for a year longer than it would, otherwise, exist by law. I likewise wish to bring in a Bill for amending the laws for the assessment and collection of rates for the relief of the poor, and for the collection of county, borough, and police rates. Great inconvenience is now experienced in the collection of rates, owing to the different authorities in this respect which are vested in the overseers and in the guardians. It is my object to make the system uniform, by giving to the guardians the power of assessing and collecting the county rates, as well as the rates levied under the Poor Law Amendment Act. I move, Sir, for leave to bring in a Bill to continue the Poor Law Commission for one year.

Upon the question being put, —

COLONEL SIBTHORP said: — This is another instance of the Noble Lord's system, on which he promises to do everything; but, in my opinion, and I believe in the opinion of the public, the Noble Lord really, in the end, does nothing at all.

Mr. DARBY. — I regret much, that the Noble Lord has given up the larger measure; and I feel that those who take an interest in this question have some reason to complain of the course now adopted; because, before the adjournment, the Noble Lord said he had prepared a Bill which went into details, and now he says that, in order to save time, he has done — what? Why, consumed more time in preparing these two Bills. I should like to know what is to be done with respect to the bastardy clause?

LORD J. RUSSELL. — That subject will be provided for in the Summary Jurisdictions Bill.

Mr. DARBY. — I hope the necessary amendments in this branch of the law will not be left to depend on the success of a measure, the fate of which is quite uncertain. I know that there are many persons who go much further than myself, in their notions of the amendments which are required in the present Act. I wish merely to go back to the Report of the committee of 1837, in which the special attention of Honourable Members was directed to the cases of widows with children; of men who were married before the Poor Law came into effect, and who had large families; and of persons who were unable to work. And as the proposed Bill is only to last for a year, I think it will be a good opportunity to try to amend the Act in these points. I have had much experience with respect to the working of the Poor Law Bill; and the Noble Lord will do me the credit of saying that I have not factiously opposed it, or used it for any party purpose. I might, at first, have objected to the commissioners; but, as it is now quite impossible to get rid of the system, we must make the best of it. I have, personally, received great attention from one of the commissioners (Mr. Lefevre), whenever I have had occasion to consult him. I have, however, seen so much mischief result from some of the provisions of the existing Act, that I shall be glad to see some amendment in it. I hope, however, that those amendments will not be made to depend upon any measure which is not likely to pass in a short time. The bastardy clause, especially, is so drawn that it is perfectly incomprehensible; — one part is totally inconsistent with the other; and the judges have declared that they could put no certain construction upon it. I hope the Noble Lord will shortly introduce a Bill to clear up the doubts and difficulties which, at present, exist upon these points.

The motion was then agreed to; Bill ordered to be brought in by LORD J. RUSSELL and Mr. FOX MAULE.

Bill subsequently presented, and read a a first time; to be read a second time on Friday next; and to be printed.

COLLECTION OF RATES.

LORD J. RUSSELL. — The next motion is, — for leave to bring in a Bill to amend the laws relating to the assessment and collection of rates for the relief of the poor, and to the collection of county, borough, and police rates.

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On the question being put, —

SIR E. KNATCHBULL said: — I am sure the Noble Lord will appreciate the feeling with which we forbear to throw any impediment in his way with respect to these Bills. As to the first Bill, I must say that I exceedingly regret the postponement of the general measure announced by the Noble Lord. I regret that he has not determined to grapple boldly with the difficulty at once. There is one point on which I entertain a very strong opinion, — namely, the necessity of vesting some discretion in the guardians as to giving out-door relief. If the present rigorous system be not somewhat relaxed, I anticipate that very serious difficulties will arise.

The question was then agreed to. Bill subsequently presented, and read a first time; to be read a second time on Friday next, and to be printed

SUGAR DUTIES.

Bill "for granting to her Majesty certain Duties on Sugar imported into the United Kingdom, for the Service of the Year One thousand eight hundred and thirty-nine." — Presented, and read a first time; to be read a second time on Monday next, and to be printed.

WILLIAM COOKE.

Mr. WARBURTON presented a petition of the there-undersigned, bearing testimony to the character of William Cooke, and praying for inquiry into the allegations of his petition. — Ordered to lie on the table, and to be printed.

METROPOLIS POLICE AND METROPOLITAN POLICE COURTS.

Committee, to consider of authorising advances out of the Consolidated Fund of the United Kingdom of Great Britain and Ireland, for the purposes of any Act or Acts of the present Session relating to the police and the police courts in the metropolis (Queen's recommendation having been signified), this day.

PAPERS, &c.

National Debt. — Account.

Savings Banks. — Account.

Printed Papers. — Return relating thereto.

(Severally presented 12th of June).— To be printed.

Adjourned at one o'clock.

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HOUSE OF LORDS, VENERIS, 14° DIE JUNII, 1839.

APPEALS.

Allan (or Dickson) *v.* Brander. — Petition of the appellant for further time to lodge cases.

Morrell *v.* Scoones. — Petition of the respondent for further time to lodge cases.

Read, and referred to the Appeal Committee.

EARL OF NORBURY.

Petition of, claiming a right to vote at the elections of representative Peers for Ireland.—Read, and referred to the Committee for Privileges.

CARLETON'S DIVORCE BILL.

Returned from the Commons, agreed to.

RUTHERFORD PEERAGE.

Petition of the claimant to withdraw the case now lodged, and for leave to lodge another. — Read, and ordered as prayed.

MELLIN'S DIVORCE BILL.

Read a third time, and passed; and sent to the Commons.

PEMBERTON'S DIVORCE BILL.

Order of the Day for the second reading, and the Lords summoned, read; counsel called in, and witnesses examined; and the further consideration and second reading adjourned *sine die.*

The EARL of POWIS sat first in Parliament after the death of his father.

READING CORPORATION ESTATE BILL.

Read a third time; amendments made; passed, and sent to the Commons.

The EARL of SHAFTESBURY sat Speaker.

House adjourned during pleasure, and resumed by the LORD CHANCELLOR.

COMMISSION.

The following Bills received the Royal Assent: —

Designs Copyright; Durham Court of Pleas; Staffordshire Potteries Police; Perth Police; Eyemouth Harbour; South Eastern Railway; Liverpool and Manchester Railway Extension; Great North of England Railway; London and Birmingham Railway; Parrett Navigation; Brighton Gas; Rishworth Reservoirs; Witham Drainage; Basingstoke Roads; Morville and Shipton Road; Bury and Haslingden Roads; Clitheroe and Blackburn Roads; Leeds and Harewood Roads; Dover, Deal, and Sandwich Road; Mills's (or Digby's) Estate; Hulme's Trustees Estate; Raikes's Estate; Clun Inclosure; Rampton Inclosure; Barton Inclosure; Lardner's Divorce.

SAWMILL FORD BRIDGE AND ROAD BILL.

Read a second time, and committed for Monday next.

WEST CROFT CANAL BILL.— CROYDON AND MERSTHAM RAILWAY COMPANY DISSOLUTION BILL.

Brought from the Commons, and read a first time.

EDENFIELD AND LITTLE BOLTON ROAD BILL. — SAINT LEONARD'S AND SEDLESCOMB ROADS BILL.

Read a third time, and passed.

MANCHESTER NND LEEDS RAILWAY BILL.

Read a third time, with the amend-

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ments; an amendment made; Bill passed, and sent to the Commons.

EDINBURGH, LEITH, AND NEWHAVEN RAILWAY BILL.

Committee to meet on Monday next; and the petition of the magistrates and town council of Leith, against parts of the Bill (presented on Tuesday last), referred to the committee.

WISHAW AND COLTNESS RAILWAY BILL.

Petition praying to be heard by counsel against, — of owners or tenants of lands and minerals, and iron masters and traders and others interested in the trade of the railway. — Read, and ordered to lie on the table.

MONKLAND AND KIRKINTILLOCH RAILWAY BILL.

Petition praying to be heard by counsel against, — of Robert Stewart, Esquire, of Carfin. — Read, and ordered to lie on the table.

WEST CROFT INCLOSURE BILL.—WEST BECKHAM AND ALBY INCLOSURE BILL.—ALMSWORTHY INCLOSURE BILL.—HARTISHEAD INCLOSURE BILL.

Reported, without amendment.

NOTTINGHAM COMMON FIELDS INCLOSURE BILL.

Reported, with amendments.

PETERBOROUGH GAOL BILL.

Brought from the Commons, and read a first time.

BRISTOL AND GLOUCESTER RAILWAY BILL.

Reported specially, with amendments.

NORTH MIDLAND RAILWAY BILL.

Returned from the Commons, with the amendments agreed to.

NATIONAL EDUCATION.

The EARL of MALMESBURY presented petitions against the plan recommended by the Privy Council, — of the clergy of Oswestry: of the ministers, magistrates, and others of Eling; and Welsh Pool: and of inhabitants of Bangor. — Read, and ordered to lie on the table.

POSTAGE.

LORD BROUGHAM presented petitions for reduction of the rate of, — of the mayor, aldermen, burgesses, and others of Bodmin; and Bewdley: of members of the Literary and Scientific Society, West Street, Brighton: of clerks residing in Edinburgh belonging to Kincardineshire: and of inhabitants of Brandeston; Staley Bridge; Lochmaben; Lampeterpont-Stephen; and Ditcheling. — Read, and ordered to lie on the table.

Also, petitions of the justices of the peace and commissioners of supply of Dumbarton; and of the Tradesmen's Reform Association of Liverpool. — Read, and ordered to be received as the petitions of J. R. Smollett and Joshua Walmsley (chairmen), who, only, have signed them.

CHURCH DISCIPLINE BILL.

The BISHOP of CHESTER and the BISHOP of BANGOR presented petitions against, — of the clergy of the upper part of Cardiganshire; of the rural dean, ministers of parishes, and clergy resident in the deanery of Duffryn, Clwyd; and of clergy of the deanery of Furness and Cartmel. — Read, and referred to the select committee on the Bill.

SABBATH.

The ARCHBISHOP of CANTERBURY presented a petition for the better observance of, and for suspension of the business of the Post Office on the Sabbath, — of inhabitants of the city of Bath. — Read, and ordered to lie on the table.

The EARL of RODEN presented petitions for the better observance of, — of inhabitants of Heonor; and Dalbury and Trusley. — Read, and ordered to lie on the table.

BEER ACT.

LORD BROUGHAM presented a petition

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for alteration of, — of licensed vintners and victuallers of the city of Dublin. — Read, and ordered to lie on the table.

COOPER WORK.

LORD BROUGHAM presented a petition of the Incorporation of Coopers in the city of Glasgow, stating, that since the passing of certain Acts admitting the importation into the British colonies of cooper work manufactured in the United States of America and foreign countries at a trifling duty, they have been greatly injured, and praying for relief. — Read, and ordered to lie on the table.

EDUCATION (NATIONAL).

LORD BROUGHAM presented a petition in favour of the plan recommended by the Privy Council, — of inhabitants of Bourn. — Read, and ordered to lie on the table.

THE LEVANT.

LORD BROUGHAM. — I hope the Noble Viscount will have no objection to relieve the anxiety which is so generally felt in consequence of the late news from the Levant. It is, for very many reasons, most desirable that peace should be preserved in that quarter of the world; and I hope that my Noble Friend will be able to state to the House that the reports and rumours which have recently reached this country, on the subject of impending hostilities in that quarter, are unfounded.

VISCOUNT MELBOURNE. — I entertain confident hopes that public tranquillity will be preserved in the countries alluded to: but, as the accounts which have arrived, lately, are of a more menacing character than they formerly were, I cannot answer the Noble and Learned Lord's question so satisfactorily as I wish.

PRINTING OF THE BIBLE (SCOTLAND).

The DUKE of MONTROSE. — I beg leave to present a petition of the senate of the University of Glasgow, taking notice of the approaching termination of the patent of the Queen's printer for Scotland, and praying that some plan may be adopted to secure correct editions of the Bible in future.

The EARL of HADDINGTON. — This is a subject of great interest and importance to the Church of Scotland, and I should wish to know whether I rightly understand the intention of Government with respect to the change they are about to make in the present system of printing the Bible. I believe that liberty is to be given to all persons to print the Bible, but that a certain number are to be appointed, on whom the responsibility will rest to see that the editions printed be conformable with the authorised version?

VISCOUNT MELBOURNE. — I readily admit the great importance of this subject. The object which the Government have in view, by their plan, is, to have the Bible disseminated throughout Scotland as cheaply as possible, and to take care that the price be not enhanced on the plea that a privilege has been granted for the benefit of any particular party. At the same time, it is determined that sufficient care shall be taken to secure, as has hitherto been the case, correct copies of the Bible, which shall be, under proper superintendence, printed exactly according to the authorised version now in use. With that view, the plan which my Noble Friend (Lord J. Russell) has recommended to the Crown is, that a board shall be instituted, consisting of the Lord Advocate for the time being, the Moderator of the General Assembly, two Divines, and two learned laymen, who shall, from time to time, inspect the publication of the sacred writings, in order that the correctness of the copy may be properly certified. It is also proposed that the free importation into Scotland of Bibles printed in England, according to the authorised version, shall be allowed, — such copies being examined and sanctioned by the board; and that, where a copy is transmitted to the board, no fee or reward shall be taken for certifying its correctness.

The EARL of HADDINGTON. — I beg to ask the Noble Viscount whether the Church of Scotland has been consulted on this matter?

VISCOUNT MELBOURNE. — No.

The EARL of HADDINGTION. — I certainly think that the Church of Scotland ought to be made acquainted with the plan, in order that they may state whether they are friendly to it, or not.

Read, and ordered to lie on the table.

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EMIGRATION OF FREE NEGROES.

LORD BROUGHAM. — I wish to ask whether her Majesty's Government have taken any steps, with regard to the Colonial Legislatures of Antigua and Montserrat, to induce them to revoke certain laws which prevent the removal or emigration of free negroes from one island to another. 6*d.* or 7*d.* per day sterling is the amount of wages given at Montserrat and Antigua; whilst the negroes can get 2*s.* 2*d.* in other islands of the West Indies, if they are allowed to emigrate. To prohibit negroes from seeking labour, is to inflict a great hardship upon them.

The MARQUESS of NORMANBY.— I cannot say, at this moment, that any steps have been taken to induce the Legislatures of Antigua and Montserrat to reconsider laws passed in 1836, to which the Royal assent was given. This has not been done, because, at the present moment, there would be no advantage in it. I have had communications with different individuals on the subject, who are concerned both with the new and the old colonies. I am aware of the importance of the subject, and shall turn my attention to it.

LORD ASHBURTON.—I think there ought to be no restraint on the negroes, now the apprenticeship is over.

LORD BROUGHAM. — It is necessary to take some precautions to prevent the negroes, who are not so capable of taking care of themselves as white people, from being ill-treated and sold to French or Portuguese colonies. The only limit on emigration that should be allowed should be, to take care that nothing of that kind takes place.

COLONIES LEGISLATION BILL.

Read a second time, and committed to a committee of the whole House on Tuesday next.

SELECT COMMITTEE ON THE STATE OF IRELAND IN RESPECT OF CRIME.

The LORD LURGAN sworn at the table, to give evidence before the committee.

SELECT COMMITTEE ON THE CHURCH DISCIPLINE BILL.

The MARQUESS of BUTE and the LORD BISHOP of LLANDAFF added to the committee.

RULES OF PROCEEDINGS (BOROUGH COURTS) (No. 2.) BILL.

To be read a second time on Monday next.

BISHOPS' RESIDENCES BILL.

Returned from the Commons, agreed to.

MESSAGE TO THE COMMONS,

For copy of Report from the Select Committee of the House of Commons on Church Leases.

OUTRAGES IN THE COUNTY OF LONGFORD.

On the motion of LORD CLANBRASSIL, ordered to be laid before the House — Return of all Reports made by stipendiary magistrates and officers of police to the inspector general of the constabulary, or to the Government, of outrages which have been committed within the county of Longford, from the 1st of January, 1837, to the latest period.

Adjourned.

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HOUSE OF COMMONS.

Printed Papers Committee; Standing Orders Committee. — Leave given the committees to sit this day till five of the clock, during the sitting of the House.

PRIVATE BUSINESS.

STANDING ORDERS COMMITTEE.

Resolution reported: —

That, in the case of the Kingston upon Hull Docks petition, the parties be permitted to proceed with their Bill, on giving fourteen days' notice to all the parties who hold bonds or mortgages of the company, or producing to the committee on the Bill the consent of the holders of such bonds or mortgages.

Resolution agreed to.

Allison's Divorce Bill. — Read a first time; to be read a second time.

West Croft (Nottingham) Canal Bill; Peterborough Gaol Bill; Carleton's Divorce Bill. — Read a third time, and passed.

The following Bills were severally read a second time, and committed as follows: —

Ladykirk Estate Bill, — To Mr. PRINGLE and the South Scotland list.

Earl of Darnley's Estate Bill, — To Mr. LAW HODGES and the West Kent list.

Lord Templemore's Estate Bill, — To Mr. LAW HODGES and the West Kent list.

Norwich Improvement Bill. — Time enlarged for committee to report, till Thursday next.

Belfast Water (No. 1.). — Petition for leave to proceed with the Bill, reported; leave given.

Manchester and Birmingham Extension Railway (Stone and Rugby) Bill. — Petition from Stockport, in favour. — To lie on the Table.

Sidmouth Improvement and Market Bill. — Petition of Joshua Jean Loscombe and others, against. — Referred to the committee on the Bill.

North Midland Railway Bill. — Lords' amendments agreed to.

PUBLIC BUSINESS.

MESSAGE TO ATTEND THE LORDS COMMISSIONERS.

The House went; and being returned, —

Mr. SPEAKER reported the Royal Assent to — Designs Copyright Bill; Durham Court of Pleas Bill; Staffordshire Potteries, &c. Police, Improvement, &c. Bill; Perth Police Bill; Eyemouth Harbour Bill; South Eastern Railway Bill; Liverpool and Manchester Extension Railway Bill; Great North of England Railway Bill; London and Birmingham Railway Bill; Parrett Navigation Bill; Brighton Gas Bill; Rishworth Reservoirs Bill; Witham Drainage Bill; Basingstoke Roads Bill; Morville and Shipton Roads Bill; Bury, Haslingden, &c., Roads Bill; Clitheroe, Blackburn, &c. Roads Bill; Leeds and Harewood Road Bill; Dover, Deal, and Sandwich Road Bill; Mills's Estate Bill; Hulme's Estate Bill; Raikes's Estate Bill; Clun (Salop) Inclosure Bill; Comberton (Cambridge) Inclosure Bill; Rampton (Cambridge) Inclosure Bill; Barton (Cambridge) Inclosure Bill; Lardner's Divorce Bill.

NEW WRIT.

For Glasgow, in the room of LORD WILLIAM BENTINCK, who has accepted the Chiltern Hundreds.

RETURNS, &c.

Justices of the Peace. — Return presented, — of applications to the Court of Queen's Bench for leave to file criminal informations against justices of the peace in England and Wales, from 1834 to 1838 (ordered 3d of June). — To lie on the table.

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Dunmow Union. — Paper (presented 13th of June) to be printed.

Canada. — On the motion of Mr. C. BULLER, Address for — "Copies of despatches from Sir George Arthur and Lord Glenelg, dated 20th of November, 1838, and 31st of January, 1839, relating to the financial state of the province of Upper Canada.

CALL OF THE HOUSE.

On the motion of LORD ASHLEY, — Order for the House to be called over, read, and discharged.

MISCELLANEOUS PETITIONS.

The following petitions were severally presented, and ordered to lie on the table; namely, —

Poor Law Amendment Act, — By Mr. BUCK, for alteration, — from William Willis; Holcombe Rogers; and Culmstock.

Church Establishment (Canada, &c.), — By Mr. CLIVE and other Honourable Members, for extension, — from Bower Chalke; deaneries of Wylye, Amesbury, and Wilton; South Newton; Marlborough; Herringfleet, &c.; Hillingdon; deaneries of Newport and Sampford; Leigh (Essex); Caynham; Alvediston; Newton Tony; Wilsford and Woodford; Tollard Royal; and Donhead St. Mary.

Prisons Bill, — From Birmingham, against.

Ecclesiastical Duties and Revenues Bill, — By SIR R. INGLIS, against, — from dean and chapter of Salisbury; and laymen of the diocese of Salisbury.

Church of Scotland, — By Mr. LOCKHART and Mr. MONEYPENNY, for extension, — from Pencaitland; and moderator of the provincial synod of Caithness.

Postage, — For a low and uniform rate, — from Wavertree; Aberfeldy; Hillmorton; Birmingham; Cornwell, &c.; Bodmin; Wyrardesbury; Wem; Stratford; South Newton; Hackney, &c.; Ulverston; Madeley, &c.; Hailsham; Biggar; Truro; King Edward; Eastbourne; Maryport; Gamrie; workpeople employed by Messrs. Coates, and Co., at Strangways; Bridford; and Holcombe Burnell.

Lord's Day, — By Mr. PLUMPTRE, for the better observance thereof, — from Clifton; Derby; Stoney Middleton; and Shirland.

Maynooth College, — Against further grant, — from Bolton-le-Moors; Belchamp Saint Paul, &c.; and chairman of the Hereford Protestant Association.

UNIVERSAL SUFFRAGE, &c.

Petition (National) of the there undersigned, for universal suffrage, ballot, annual parliaments, abolition of property qualification, and remuneration of Members.

Mr. T. ATTWOOD, in presenting this petition (which was rolled in upon a frame, and placed on the floor of the House), said: — In rising to present this very extraordinary and important petition, I am aware that the rules of the House will not allow me to enter upon any general statement on the subjects to which it refers, or go into a defence of the great principles which are therein set forth. I shall, therefore, endeavour to keep within the rules prescribed by the House, by confining myself to a statement of the substance and contents of the petition; and then, perhaps, the House will indulge me by permitting me to say a few words — and only a few words — in explanation of the circumstances attending my own personal position in connection with that petition. The petition originated in the town of Birmingham. It was adopted there at a very numerous meeting on the 6th of August last. It was then forwarded to Glasgow, where, in a short time, it received the signatures of no less than 90,000 honest, industrious men; and it afterwards received the signatures of nearly the same number at Birmingham, and the neighbourhood of that town. I hold in my hand a list of 214 towns and villages, in different parts of Great Britain, where the petition was deliberately adopted and signed; and it is now presented to this House with 1,280,000 signatures, — the result of not less than 500 public meetings, which have been held in support of the principles contained in this petition. At each of those meetings, there was one universal, anxious cry of distress, — distress, I must say, long disregarded by this House, yet existing for years, — distress which has caused much discontent amongst the working people; and which discontent was created by the long sufferings and grievances which that class of the people have endured, and which have been so

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grievously disregarded by the people's representatives in this House.

[Cries of "Order!"]

I hope the House will listen to what I have to say, and afford due attention to a petition so universally signed. I hope the House will not say, that, because the petitioners are merely humble working men, their opinions should be disregarded, and their grievances allowed to remain unconsidered and unredressed! I sincerely trust that such will not be the case. It would be a most serious offence to those who have signed the petition, if that were to be the result, in the presence of their delegates, who have been allowed to be present to witness its presentation; and it would be most painful for me to have to state such a result, and to carry back a report to those who have intrusted the petition to my hands, that it had been treated with any symptoms of disregard or disrespect by the House. The men who have signed the petition are honest and industrious — of sober and unblemished character, — men who have uniformly discharged the duties of good members of society and loyal subjects, and who have always obeyed the laws. Gentlemen brought up in the lap of luxury, and enjoying the wealth handed down to them by hereditary descent, can have no idea of the privations suffered by the working men of this country. Yet at all the meetings which have been held, by those others, the persons attending them have confined themselves strictly to the legal pursuit of their constitutional rights, for the purpose of remedying the extreme sufferings which they have endured for so many years. No attempt is made to relieve them: whether they be handloom weavers, artisans, or agricultural labourers,—no matter what they may be, — still, for them, there is no relief. They meet with no support, or even sympathy, from this House; and therefore do they feel themselves bound to exercise every legal and constitutional effort within their power, to recover the whole of their constitutional rights. All that these honest men say is, that the Members of this House, opposed to them by birth, parentage, habits of life, wealth, and education, have not shown that anxiety to relieve the sufferings and redress the wrongs of the working classes, which they consider they have a right to demand, and which they expect as British subjects. I hope that no Honourable Member will be at all prejudiced against the petition in consequence of these remarks, or think that the slightest disrespect is intended by them. The petitioners have, for many years, postponed this extreme measure of endeavouring to recover the whole of the ancient rights of the Commons of England. They, their fathers, and grandfathers have waited for many years, trusting to the gentlemen of England to protect them; but no protection having been found in that quarter, they feel themselves compelled to exercise what privileges are left them for the recovery of those which they have lost. The petitioners state that they only want a fair day's wages for a fair day's work; and that, if we cannot give them that, then will they exercise every legal means in their power to change the representation of this House, with a view to the accomplishment of their wishes, — which I sincerely trust they may succeed in. Every one of these honest men produces by his labour four times more to the country than he asks for in exchange, — that is to say, a fair subsistence; and yet their country refuses them one fourth of the value of their labour! Some of them have only three days' wages in the week: yet they are all paying an enormous per centage of debts and taxes. Such being the case, the House will not be surprised to hear that these honest men make use of rather strong language. The first demand contained in the petition is for universal suffrage; in order that representation may be co-equal with taxation — the ancient constitutional law of England. The petitioners state, —

> We are bowed down under a load of taxes, which, notwithstanding, fall greatly short of the wants of our rulers; our traders are trembling on the verge of bankruptcy; our workmen are starving; capital brings no profit, and labour no remuneration; the home of the artificer is desolate, and the warehouse of the pawnbroker is full; the workhouse is crowded, and the manufactory is deserted.

They therefore come before the House to say that the capital of the master must not be deprived of its due reward,—that the labourer must have a return in wages for his labour, — and that the laws which make food dear, and those which, by making money scarce, make labour cheap, must be abolished. The petitioners prefer this demand for universal suffrage, in the language of their forefathers, as expressed in the celebrated petition of rights. They then show that the constitution guarantees freedom of election; they contend that, to secure freedom of election, vote by ballot is absolutely necessary, and that therefore vote by ballot is a constitutional right. They further declare that, agreeably to the Acts of settlement, Parliaments were ordered to be triennial, or more

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frequent; they therefore ask for annual Parliaments. They say that Members should be paid for their attendance in Parliament, as was the case in the days of Andrew Marvel (a practice, too, which I might now easily establish, if I thought proper, in Birmingham). That was the ancient law: Members were paid by those who sent them to Parliament; and the petitioners are of opinion, that, until that right is restored, they cannot have Members who will properly feel and understand the wants and real interests of the people. The fifth object is, that the property qualification of Members shall be abolished. In all these five points I most cordially agree with the petitioners; and I most sincerely hope, considering the progress of public opinion, that the day is not far distant when the whole of those five points will be granted to the people; and when they will have them in full weight and measure, and no mistake about the matter.

[Laughter.]

SIR G. H. SMYTH. — I rise to order. The Honourable Member is transgressing the rules of the House. It is a distinct rule of the House that no Member shall make a speech on presenting a petition; and I could scarcely have believed that any Member, even with that ridiculous piece of machinery before him, would have been permitted to adopt a course which has been uniformly refused to myself and others.

[Cries of "Chair!" and, "Order!"]

The SPEAKER. — I must certainly say that, according to the rule of the House, no Member has a right to speak at any length on presenting a petition. But when the House considers the particular circumstances connected with this petition, and the position in which the Honourable Member is placed regarding it, they will, perhaps, think that there are grounds for granting some indulgence to the Honourable Member.

[Loud cries of "Hear!"]

SIR G. H. SMYTH. — I, for one, do enter my protest against the course adopted by the Honourable Member for Birmingham, to whom I am not disposed to extend any unusual indulgence.

[Cries of "Oh!"]

Mr. T. ATTWOOD. — I am very thankful for the indulgence which the House has already extended to me, and I shall trespass but a few minutes longer upon its attention, while I say a few words in explanation of my own peculiar situation. Although I most cordially support the prayer of the petition, am ready to support every word contained in it, and am determined to use every means in my power to accomplish the objects it has in view, I must say that many reports have gone abroad respecting arguments said to have been used in support of the petition, on different occasions, which I distinctly disavow. I never, in the whole course of my life, inculcated any doctrine or recommended any means except those of peace, law, order, loyalty, and union; and in recommending these, I have done so in perfect good faith,—not wearing one face out of doors and another in this House, — but always in the same manner and in the same feeling; fairly and openly doing all that I could, as a man, a patriot, and a Christian, to work out the principles which I have maintained, by these and these means only. I wash my hands of any and every appeal to physical force. I deprecate all such notions — I repudiate all talk of arms — I wish for no arms but the will of the people, legally, fairly, and constitutionally expressed; and if the people will only adopt my views and respond to my voice, — if they will send up similar petitions from every parish in England, and go on using every argument which justice, reason, and wisdom dictate, taking care to proceed wisely and discreetly, and to abstain from all insolence and violence, — I am confident they will create such an action in the public mind as will ultimately secure the attentive consideration of this House. It only now remains for me to read to the House the prayer of the petition, which is in these words: —

May it therefore please your Honourable House to take this, our petition, into your most serious consideration, and to use your utmost endeavours, by all constitutional means, to have a law passed, granting to every male, of lawful age, sane mind, and unconvicted of crime, the right of voting for Members of Parliament; and directing all future elections of Members of Parliament to be in the way of secret ballot; and ordaining that the duration of Parliaments so chosen shall, in no case, exceed one year; and abolishing all property qualifications in the Members; and providing for their due remuneration while in attendance on their parliamentary duties.

Mr. JOHN FIELDEN. — I beg leave to say that I cordially support the prayer of the petition.

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On the motion of Mr. ATTWOOD, it was ordered that the petition be printed.

Mr. SPEAKER. — Does the Honourable Member intend to found any motion on the petition?

Mr. ATTWOOD. — I do; and I therefore give notice that I shall take the first opportunity, on the question of going into a Committee of Supply, to move that the House resolve itself into a committee of the whole House, for the purpose of taking the petition into consideration.

Education, — By Mr. COLQUHOUN, Mr. DARBY, Mr. C. ROUND, Mr. KEMBLE, Mr. MILDMAY, SIR T. FREMANTLE, LORD SANDON, SIR R. INGLIS, Mr. B. BARING, the EARL of LINCOLN, COLONEL WOOD, Mr. W. DUNCOMBE, LORD ASHLEY, Mr. GLADSTONE, LORD WORSLEY, LORD VISCOUNT INGESTRE, Mr. O. GORE, Junior, LORD KILBURNE, LORD STANLEY, GENERAL LYGON, and several other Honourable Members, against proposed measure, — from Deptford; Greenwich; Oakham; clergy of the upper part of Cardiganshire; Lymington; Poughill; Gorleston; Crosby; East and West hundreds (Cornwall); Ratcliffe; Luddington; Mawnan; St. Sepulchre, London; Addlestone; Wellingborough; Finedon; Bardney; St. Luke, Middlesex (two petitions); Warminster; archdeaconry of Sarum; Ramsey (two petitions); Owston Ferry; Aberayron; Newport (Isle of Wight); Cretingham; New Sarum (two petitions); Grantham; Church Lawford and King's Newnham; Sidmonton and Eckinswell; Bedford (three petitions); Haxey; Castletown; Baldwin; Compton (Southampton); Sevenoaks; Peel; Swalecliffe; Risley and Bresston; Broad Court, London; Oxford (three petitions); Cheam, &c.; Highclere; Keyham; St. Neot's (Huntingdon); Ampthill; Bradfield; Redmile; Bishops Stortford; Thatcham; Tilton; Tavistock; Whitwick; Birkenhead; Stafford and Brereton; Tarporley (Birmingham (four petitions); St. Ives (Huntingdon); Speen; St Gluvias; Watford; Tonbridge; Colne; Rostherne; Heslington; Upton cum Chalvey; St. Alban's; Gosport and Farcham; Ardington; St. Anne, &c., London; Chatteris; Newbury (two petition); Harwich; Manningtree; Devizes; North Dalton; Prees; Eton; Wem; Mortlake; Caynham; Battlefield and Uffington; Whitchurch (Salop); Rufford; Farnworth; Drayton in Hales; Whittington; Oldham (three petitions); Douglas; South Cerney; St. Giles in the Fields and St. George, Bloomsbury; Riseley; Hannington; Ash (Salop); Crowle; Chipping Norton; Blonham, &c.; Tetford; Hungerford; Spalding; Rickling; Leigh; St. Mary the Virgin, Dover; St. James, Dover; White Colne; Rotherhithe; Heckfield cum Mattingley; Dorchester and Cerne Abbas; Horsepath; Black Notley; Wantage; Eversley; Kelvedon; Bradwell near Coggeshall; Feering; Great Bentley (two petitions); Great Bromley; Boxted: Thaxted; Great and Little Maplestead; Great Henny and Twinstead; Little Bromley; Pentlow; Alphamstone and Lamarsh; Belchamp St. Paul; Inworth; Arkesden and Wenden; High Rooding; Great Dunmow; Pattiswick; Lymm; Moore; Hollinwood; Colchester; Woodhouse; Headingley cum Burley; Goldsbrough; Hillingdon; Great and Little Coggeshall; Terling; Antrobus; Hemyock; St. George, Hanover Square; Instow; Bromyard; Harwich; Fulham; Titney, &c.; Laceby and Waltham; Tissington and Fenny Bentley; Mareham; Much Wenlock; Abingdon; Appleton; Vauxhall; Rye; Southville; China Terrace, Lambeth; Preston Brook; Warrington; Takeley; Hadlow; Great and Little Ilford; Hawkwell; Chelmsford; Walworth; Broadwall; St. Mary, Newington; Newton upon Ouse; Cleasby; Middleham; Craike; Mangotsfield; Bitton; Newland; Oldland; Hanham; Dymock; Alderley; Alne; Boxwell; St. John the Baptist, Gloucester; Newent (two petitions); Olveston; Compton Greenfield; Awre; Newnham; Littleton; Horfield; Stinchcombe; Arlingham; Bristol; Sheriff Hutton; Whitminster; Isleworth; Feltham; Uxbridge; Reeth; Pickering; Clerkenwell (two petitions); Hartington; Hammersmith; Whitechapel; Hanworth; Hanwell; Hounslow; Hampton and Teddington; Horncastle; Ware; Burringham; Epworth; Wragby; Keadby; Lanyhorne; Waltham; Tregony and Cuby; Reading (two petitions); Alveston; Stoke Gifford; Winterbourne; Ulceby; Stapleton; Almondsbury; Tollerton; Clapham; Ashmore; Downholm; Medsted; Brewood; Tonbridge Wells; St. Peter-le-Poor, London; Croydon, &c.; Harrow, &c.; Great Malvern; Sion College; St. Magnus the Martyr, &c., London; Belford; Otterburn; Mansfield; Elberton; Nayland; Market Street; Stockton upon Tees; Meifod; Durham; Kingston upon Hull (four petitions); Crowland; Cheltenham; Saddleworth; Stillington; Hessle; Lincoln; Ferriby; Brixton (two petitions); Bradford (York); Anlaby; Hubberston; Archdeaconry and Deanery

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of Carlisle; Barrow; Sutton in Holderness; Barton upon Humber; Saddleworth; Delph; Little Deans Hill; Pendleton; Great Casterton; Lock chapel, St. George, Hanover Square; Rimington and Sawley; Bashal-eaves; Aurington; Waddington; Slaidburn; Islington (three petitions); Alverstoke; St. Pancras (three petitions); Ellenbrook; Budock; Hemingby and Baumber; North Allerton; Belchford and Scamblesby; Romford; Ormskirk; Charlton Kings; Coventry; Hale; Bayswater; Hinckley and Lutterworth; Eling; Shiffnal; Seacroft; St. Helen's, Lancaster; Melingriffith; Barwick in Elmet; Wetherby and Keswick; St. Bride, London; Clithero; Chapel Hill, Monmouth; Rockfield; Tregare; St. Maughan's; Monkswood; Dingeston; Llanishen; Kemys Commander; Eastnor; Winterton; Pontefract; Monmouth; Llantrissent; Llangattock; Vibon-avel; Drypool; Tadcaster and Appleton Robuck; Exeter (four petitions); Penryn; Newport (Monmouth); Winteringham; Haslingden; Minting and East Barkwith; Great and Little Packington; Eastdean and Friston; Jevington; Littlington; Hoxton (two petitions); Limehouse; Southwark (five petitions); Hackney Road; Spitalfields; Chelsea (three petitions); King's Cross; Stepney; Tottenham and Edmonton; Stoke Newington; Poplar; Rotherhithe; Marylebone (three petitions); Hackney (two petitions); Hinton St. Mary; Manston; Langham; Sefton; Rochdale; St. John, Westminster; Manchester; Sedgley; New Windsor (two petitions); Heaton Mersey; Crookes; Mansfield; Tiviot Dale; Brightholmlee; Netherbury; Romney Terrace, Westminster; Morley cum Churwell; West Lavington; Carlisle chapel, Lambeth; Thorncliffe; Ilkeston and Cotmanha; Hawarden; Bakewell, &c.; Windsor and Eton; Drayton Beauchamp; Kilmarnock; Diddington; Congleton (two petitions); Mold; Woodhouse; Greenhill; Sandiacre and Stapleford; Chesterfield; Copgrove; Styal; Lathbury; Barlow Moor; Wadsley; Cheadle Hulme; Hazel Grove; Treeton; Talaton and Taleford; Alconbury cum Weston; Donnington Wood; Rushock; Aston (two petitions); Cheesehill; St. Bartholomew Hyde; Meerbrook and Leek Frith; Pemberton; Husthwaite; Stockport; Melksham; Wolstanton; Stratfield Twyiss; Hudswell; Luckington; Eye (Suffolk); Stockton; Bridgnorth; Campsey Ashe; Cowley with Hockmore Street; Thrandeston; Lewknor, &c.; Thurgoland; Oughtibridge; Adderbury, &c.; Gillingham; Blandford; Shaftesbury; Child Okeford; Wimborne Minster (two petitions); Newark upon Trent; Poole; St. Just; Grimesthorpe; Hallam; Grenoside; Ecclesfield; Sheffield (six petitions); Swineshead; Farndon; North Muskham; Car Colston; Ince; Croston; Hindley; Holcombe; Up Holland; Todmorden; Dursley (two petitions); Wotton-under-edge; Cam; Deeping St. James; Devonport; Prescot; Cromford, &c.; Oldbury; Merriott; Sampford Brett; St. Asaph; Shepton Beauchamp; Crowcombe; Roundhay; Attercliffe and Darnall; Beckingham; City Road chapel, St. Luke's, Middlesex; Marton; Hemswell and Willoughton; Countesthorpe; Blaby; Misterton; Sturton and Stow; Caistor; Wainfleet; Lawton, &c.; Biggleswade; Halshaw Moor; Market Rasen; Cotgrave; East Bridgford; Halberton and Samford Peverell; Luton; Flintham; Astwick cum Arlsey; Wadsley Bridge; Broadwinsor; Brecknock; Bolton (two petitions); Bolton-le-Moors; Yelden; Northill and Tempsford; Stotfold; Hatherleigh; Weston super Mare; Nottingham (two petitions); Stonehouse (Devon); members of the Society for promoting Christian Knowledge; Bangor; Llanfair Dyffryn Clwyd; Llangybi and Llanarmon; Lavington and Graffham; Burton upon Trent; Old Shoreham; Manchester (two petitions); Newdigate; Sheepwash; Highampton; Burslem; Melchbourn; Leake; Bratton Fleming; Shelton; Tynemouth; Cheltenham; Devonport (two petitions); St. Clement Danes; Worcester (two petitions; St. Mawes; Farlington; Chesterfield; Woolwich; Richmond (Surrey); Rivenhall; Witham; Great Braxted; Frant; Overton; deaneries of Hastings and Dallington; deaneries of Lewes and Pevensey; Garforth; Brentford, &c.; Kennington; Yealmpton; Woodbridge and Kirton; Southampton (two petitions); Plympton St. Mary; Marton with Grafton; Kirk Hammerton; Low Dunsforth; Minskip; Roecliffe; Long Wittenham; Plymstock; Aveton Gifford; Kingsbridge, &c.; Ottery St. Mary; Dittisham; Tallington; Plympton; Salford; Darlington; Blackawton; Liverpool (six petitions); Owlerton; Stanley; Southwell, &c.; Thoydon Garnon; Eastington; East Lambrook; Titchmarsh; Brampton by Dingley; Cottingham cum Middleton; Peterborough; Ellington; Stansted Mountfitchet; Eltham (Lincoln); Thornton-le-Moor; Hammersmith and Kensington; Shildon; Alderley; Pipe Aston; Staplehurst; Shipton Pollars and Shipton Olliffe; Bassingham; Orle-

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ton; Shobdon; Calthorpe; Brampton Abbotts; Foy; Kirkby in the Bain and Roughton; Yarpole; Marlborough (three petitions; Elmley Lovett; Greenock; Paul; Beeching Stoke; Ashwell; Byfleet; Uffington; Roxton and Great Barford; Manchester and Salford; Bintry, &c.; Maulden; Whitechurch (Southampton); East Farleigh; Newchurch; Sparsholt; St. Clement, Eastcheap; Seavington St. Mary; Kilmington; Downend and Warmley; Waterlane; Ledbury; Stowe; Chapel Allerton; Leeds (five petitions); Boston and Bramham; Winterbourne and Frampton; Aughton; Peckham; St. Andrew's Ancoats; Edenfield; New Mills and Hayfield; Ashbourn; Smallwood; Wrington and Churchill; St. Dunstan in the East; Great Queen Street, Lincoln's Inn Fields; Burseough and Lathom; Berkeley; Burnley; Howden; Carharrack; St. James, Westminster; Redruth; St. Paul's, Lisson Grove; Meriden; Doncaster; Wirksworth; St. Mary, Newington (two petitions); St. Swithin and St. Mary Botham, London; Henbury; St. George, Gloucester; Kingswood; Southoe with Hail Weston; Pebmarsh and Wickham St. Paul's; St. Luke's, Norwood; South Lambeth; Camberwell (two petitions); Bocking; Sible Hedingham; Petersham; Lambeth church district, and St. John's, Waterloo Road; Easingwold; Whippingham; Wragby; Askham Bryan; Nether Poppleton; Finchingfield and Stambourne; and chairman of a meeting in St. George, Southwark.

By LORD VISCOUNT SANDON and other Honourable Members, against the altered plan proposed relative to national education, — from Liverpool; Hawkwell; Hockley; and Rayleigh.

By Mr. P. THOMSON, SIR H. VIVIAN, Mr. B. SMITH, Mr. P. HOWARD, and other Honourable Members, in favour of the proposed plan, — from Stamford; Bisley; Carlisle; Manchester; Norwich; Sunderland (two petitions); St. Ives (Huntingdon) Portsoy; Maryport; Fetter Lane; Saint Austell; members of the East Kent Baptist Association; Preston (two petitions); Mile End; Gosport; members of the central committee of the Religious Freedom Society (two petitions); Bristol; Middlesbrough; Romsey; Bourn; Marton; Hastings and St. Leonard's; Shepton Mallet; Truro; Hinckley; and Chester.

On CAPTAIN ALSAGER presenting a petition from a meeting held at the Horns Tavern, Kennington, against the proposed grant,—

Mr. HAWES said: — Sir, I beg to ask the Honourable Member whether he presents this petition as coming from the meeting over which he, himself (Captain Alsager), lately presided?

CAPTAIN ALSAGER.—I present the petition as the result of the resolutions which were passed at the meeting alluded to.

Mr. HAWES. — Then, Sir, I object to the petition being brought up, because I hold in my hold the petition of the gentleman who was put into the chair after my Honourable Friend had been turned out of it by a majority of those present. This gentleman, who is, himself, of perfect respectability, and the son of a highly respectable county magistrate, states that the majority of the meeting was decidedly opposed to the views of my Honourable Friend, and those who supported him on that occasion; that it was not a public meeting, the parties being only admitted by tickets; and he protests against the petition being received as that of the meeting,— the great majority denying any acquiescence in it. The petitioner further states, that very considerable confusion took place at the meeting, and that the members of the established church who were present were by no means peacemakers on the occasion. My Honourable Friend having represented this as a petition founded on the resolutions passed at that public meeting, I trust the House will consider, under the circumstances, that I am justified in objecting to the petition being received as the petition of the meeting.

Mr. HUME. — Sir, I think the House should first have the petition read, to know whether or not it really does purport to be the petition of the meeting.

LORD JOHN RUSSELL (having looked at the petition). — It purports to be the petition "of the undersigned inhabitants."

Mr. HAWES.— I can only say that my Honourable Friend stated that the petition was founded upon the resolutions passed at the meeting. If it be not called the petition of that meeting, I, of course, have no further objection to its being received.

CAPTAIN ALSAGER. — Sir, I can only repeat what I stated before,—that the

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petition is the result of the meeting over which I presided. No one was admitted to the meeting without a card similar to the one which I hold in my hand, and which bound all who used it to acquiesce in the decision of the chairman. Out of the 1200 persons who were present, there were about 200 Liberals, who made an incessant noise during the whole time. I endeavoured to give an explanation to them, and to point out to them that the meeting was expressly held to propose and second certain resolutions. Those resolutions were proposed and seconded; and I told the parties that we had not met there to discuss the question. So far from being turned out of the chair, I beg leave to observe that the Honourable Member was not present, or he would not have said so. No person attempted to turn me out of the chair, so long as I chose to remain in it. No person interfered with my sitting there; but, after I found that I was not able to obtain a hearing for the speakers, from the noise that was made, then I certainly did leave the room, accompanied by 500 or 600 persons around me. When I found that I could not get a hearing, I held up the resolutions in large letters, and put them as well as I was able, and was informed by many gentlemen who were there that they were passed by a majority of at least 4 to 1. After I left the chair, there was a rush, by some of the friends of the Liberals, to take possession of it; and one of them, who was more vigorous than the rest, coming on the platform, was immediately taken into the committee room by some of my friends, when he said that he had come there only as a listener. When they had all left, and it was dark, the lights having been put out, Mr. Curling took the chair, and a scene of riot and confusion took place. Some thoughts were entertained of calling on the police to act; but the policemen said that there was no actual mischief done, except breaking a few chairs and benches; therefore, said they, "Let them go on; if anything further takes place, we will interfere." I am sorry to occupy the time of the House; but a charge having been made against me, I feel it due to myself to give it a thorough and distinct denial.

Mr. KEMBLE. — Sir, I was unfortunately prevented by an engagement from attending the meeting; but as it has been stated by the Honourable Member for Lambeth that there was a majority in favour of Mr. Curling and his party, I beg to declare that all whom I have seen, who attended the meeting, concur in saying that the majority was most decidedly in favour of the resolutions proposed by my worthy colleague.

Mr. HAWES then brought up Mr. Curling's petition.

LORD VISCOUNT SANDON presented petitions from 6500 inhabitants of Liverpool: — from the Mariners' Church at Liverpool: from the congregations of All Saints Church; and Christ Church; and several other congregations at Liverpool, against the Government plan.

Mr. BRISCOE. — Sir, I wish to ask the Noble Lord whether these petitions are against the Government plan that has been withdrawn, or against the plan which is to be produced this evening?

LORD VISCOUNT SANDON.—They pray the House not to sanction the Government scheme.

LORD JOHN RUSSELL. — I should certainly like to have one or two petitions read, that the House may know against which scheme the petitions really are.

The petition of the Mariners' congregation was then read, and it was against the plan laid before Parliament and agreed to by the Privy Council.

LORD VISCOUNT SANDON. — Sir, in answer to my Noble Friend, I beg to say that the signing to one of the petitions was going on up to the last moment the post would allow, and some signatures are even now on the road. I presume, therefore, that such petition is against the present scheme, which had then been published to the whole town; and I can state that one of the petitions, having 808 signatures to it, is specifically against the present scheme, — for a petition from the same parties has been presented against the former scheme.

LORD JOHN RUSSELL. — Sir, with regard to the petition which has just been read, it is as much against one scheme as against the other; the fact is, the plan described in the petition as the plan petitioned against, bears not the slightest resemblance to either of the plans which have been proposed by the Government.

Petitions to lie on the table.

Mr. HOPE (Gloucester). — Sir, I have to complain, that it appears, from a report in the *Morning Post*, that my colleague

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(Mr. Phillpotts), in presenting a petition from Gloucester, the other day, in favour of the Government plan of education, described it as a petition agreed to at a meeting of the Diocesan Society.

LORD JOHN RUSSELL. — Is the Honourable Member going to complain of a newspaper, or of a Member of this House?

Mr. HOPE. — I am going to end with a question.

LORD JOHN RUSSELL. — If the Honourable Member refers to a former debate, he is out of order.

Mr. HOPE. — That may be strictly true; but I trust I may be allowed to state, in a few words, what actually took place on the occasion alluded to. There was no meeting of the Diocesan Society held. An advertisement appeared, calling a meeting of the Established Church Society; but as the Government plan was, on the day of meeting, understood to have been withdrawn, the persons who called the meeting met, and adjourned, without agreeing to any petition; and, afterwards, others went to the rooms, voted a person into the chair, and agreed to a petition in favour of the very scheme of education which had been abandoned by the Government.

Mr. PHILLPOTTS. — What I have stated was communicated to me by the gentleman who was chairman of the meeting, who is a magistrate of Gloucestershire; he did not state that it was agreed to at the meeting of the Diocesan Society.

THE BUDGET.

Mr. HUME. — Sir, on Monday, it is my intention to ask the Chancellor of the Exchequer to fix a day for his motion respecting joint stock banks, and, also, to name the day when the Budget will be brought forward.

EDUCATION PLAN.

LORD JOHN RUSSELL. — Sir, it is my duty to move, "That the Order of the Day for the House resolving itself into a Committee of Supply" be now read.

LORD STANLEY. — Mr. Speaker: — I now rise, in conformity with what I believe to be the desire of the vast majority of the petitioners, who have addressed the House in numbers almost unprecedented, — and in accordance with what I believe to be the opinion of the vast majority of the enlightened people of this country, — not to meet the present proposition of the Government by any doubtful or ambiguous course, — not to avail myself of any parliamentary technicality for the purpose of getting rid of it by any side wind, or for the purpose of incidentally defeating it; — but I come to grapple with the source of the evil, whence that plan, or those plans, which have been in succession introduced, have emanated, which have been brought forward by her Majesty's Government, to establish what they are pleased to call a scheme of national education. I rise for the purpose of objecting to any scheme which gives the direct control, and all but the legislative authority, over the moral and religious education of the people of this country, to any board or committee, or any body of men — call them what you will — of an exclusively political character, necessarily, and of course, fluctuating in its composition, and in the men of whom it is constituted, — but who possess not in their constitution any one fixed or definite principle, or any enduring character; and as to whom, by no possibility or chance can it ever happen that there can be admitted into this board, which is to preside over the moral and religious education of the people of this country, any single member of that class and profession who are, by law, bound to attend to, and who are intrusted with, the spiritual and religious instruction of the people. I might, indeed, have adopted a different course; I might have suffered the House to go into committee, and I might then have objected to the grant of the sum of 30,000*l.*: but I know the importance of such a step; — I know the misrepresentations to which I should have been liable if such a course had been by me pursued; — I know very well the illiberality and the bigotry which would have been charged upon me and my friends near me; — I know the impression which would be promulgated, that we objected to a practical measure, — that we stood in the way of the enlightenment of the people, — and that we refused to permit the Government to provide, out of the public funds, for the moral and religious education of the people. I might have taken another mode, and introduced a motion directly condemnatory of the plan of her Majesty's Government. At one time, I thought that this course might be desirable; but further consideration has induced me to abandon it as too indefinite; and, besides, we have seen, and the Noble Lord has given proof this evening, how easy it is to slip out of

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the plan of yesterday; and when the plan of yesterday is scouted with the indignant remonstrances and derision of the country, the Noble Lord consoles himself with saying, "True it is that a cry has been raised against our yesterday's plan; but, look, — to-day, we have a fresh plan, and it is impossible that that can have been objected to." No, Sir; so long as this Committee of the Privy Council — irresponsible, unrepressed, and unfettered by Parliament — remains in existence, it will be the fertile source of bringing out one plan after the other, equally objectionable in principle, but each evading the many objections which have been urged with irresistible force against the proceeding; so long will scheme after scheme, and plan after plan, be produced, in violation of every principle which should regulate the distribution of the money of the people. It is like the old story described by Virgil, —

— Primo avulso non deficit alter.

And, if continued, it would be —

——————— Alter
Aureus.

[Loud cheers.]

And I might continue —

Ergo alte vestiga oculis, et rite repertum,
Carpe manu.

I take, however, a bolder course; I object to the very source of the plans or of the schemes, or whatever they may be called, which have succeeded each other in such rapid succession, and with such little deliberation. I object to the irresponsible authority vested in her Majesty's Privy Council. I object to the despotic and unfettered control given to them, and from them I appeal to the deliberate judgment, to the constitutional responsibility, and to the legal authority of the British Parliament. If the proceedings of the Privy Council, or if the constitution of the committee, were restricted to any immediate executive purpose, — if it were a mere change of authority formerly vested in the Lords of the Treasury, — if it were a mere transfer from the Lords of the Treasury to the Committee of the Privy Council, of a power of executing some purposes which were definitively laid down by Parliament, or of granting money, upon any known conditions, in favour of any defined plans of education, vouched for by the two societies whose plans are known, — I would not object to the transfer of this executive and ministerial authority from the Lords of the Treasury to the Committee of the Privy Council; and I should have seen little difference between the distribution, by the Chancellor of the Exchequer, as a member of the Board of Treasury, and the Chancellor of the Exchequer, as a member of the Privy Council. But there are no such restrictions in the measure, — there is no such plan — no such delegation, — there is to be no legislation with the consent of Parliament; but by a resolution of one branch of the Legislature, powers are to be given to the board, which are indefinite, uncontrolled, and irresponsible, — powers, the extent of which you do not know, yourselves, and which the Committee of the Privy Council are to execute with perfect irresponsibility and perfect impunity. The Noble Lord, at the opening of the present Session, said, with respect to the first scheme which he intended to have proposed to Parliament, that he would form a body, or a board, or committee, or by whatever name it might be called, not of persons of one party or the other, — meaning not political doctrines, — but the adherents to the doctrines of the established church, or to opposite doctrines.

[Cries of "No, no!"]

Yes; pardon me. The Noble Lord, having spoken of the National Society, and then speaking of the British and Foreign School Society, went on to say that he knew that, in the last Session, the Honourable Member for Waterford had recommended "the appointment of a central board of education. Now" (he observed), "if a board of education were appointed, composed of persons of different persuasions, in conformity with the plan of educating all religious denominations in the same schools, it must appear, from what he had already stated, that it would not be a board possessing the confidence of the church. He thought it better, therefore, that the Government should form that body, — call it a board, or a committee, or what they would, — not from any one religious body or sect, or from members of various sects, but from the official servants of the Crown, who must always depend upon the confidence of that House, and who must look to them to decide whether or not the system which they recommended was such as should be supported." Here, then, is the statement of the Noble Lord, at the opening of the present Session. From that opinion the Noble Lord will excuse me from dissenting. I think it a most objectionable principle, that a system of

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such vital importance as the systematic education of the people of this country should depend upon the fluctuations or the changes of the Government, — that it should be mixed up with every political and every party contest, — that it should depend, not upon the merits of the system, or on the equity of its conditions, but that it should not depend upon the confidence of the Parliament of this country, but, upon the confidence which a bare majority of this House might repose in the Government of the day. I object to giving funds for such a purpose, to be placed in the hands of the Government, with irresponsible power, to further their own political objects, and for the support of their own political friends. I would ask the Honourable Gentlemen opposite, and I would ask those who dissent from the doctrines of the established church, whether they would consent to repose the instruction of the people, and to trust, in this matter, to a Government composed of persons who held the conscientious opinion that the national church ought to be the vehicle by which the education of the people, out of the national funds, ought to be administered? I ask whether they would not view with the greatest possible jealousy the unrestrained use of these funds by any party in Parliament, to further views of their own? And if there be danger in thus intrusting the funds for the education of the people to any Government, without defining the principles on which those funds are to be administered, I would ask, whether it would not be doubly dangerous if a case should arise in which the Government of the day should be so weak as to be struggling for political existence, and as to be anxious to grasp at support from any half dozen of Members, from any quarter, and on any conditions; when, if there should be a violation of the condition imposed by Parliament, — when, if they should apply the greater portion of the funds to favouring their own political and parliamentary supporters in the country, — the only check which could be held over the Government would be the not very formidable apprehension of the censure of a majority of this House, if they should use the power vested in them in furtherance of a political party, — that party being composed of the majority of the House themselves?

But, Sir, the Noble Lord has said that he desired the appointment of a board which should have the confidence of this House, and he made it to depend upon this House whether or not the system introduced by the board should be permanent. Now, I maintain that we ought not to introduce the elements of constant fluctuation and change into these matters, and that such a system would be one on which the nation could not place the slightest reliance. And when I speak of confidence, I beg to direct the attention of the Noble Lord to the opinions of a body of which the Noble Lord entertains a high opinion, and of which I, myself, wish to speak with every possible respect, — I mean the British and Foreign School Society. They consider that, in the constitution of a board, it is essential that we should appoint such a one as should enjoy the confidence of the various religious congregations in the country. The society declare that they believe that the degree of confidence which the Government enjoy will mainly depend upon the effects of the system of education which shall be adopted. I ask the Noble Lord what part of the scheme, or what part of the plan, to be proposed by the Board, he flatters himself will enjoy the public confidence? The Noble Lord will not contend that he enjoys the confidence of the established church? He will admit, at all events, that the established church is not the least important of the religious denominations of this country? and he will not deny that the vast majority of the laity of that church, and almost the incalculable majority of the clergy of that church, as well as of the prelates, with hardly an exception, — if, indeed, there be one, — have expressed, one and all, not their confidence, but their entire and absolute dissent from the principles embodied in the formation of the committee? Where is it, then, that he would turn next for his confidence among the religious denominations? I ask him, which, — next to the established church, — which is the most important, which is the most influential, which is the most zealous and the most active in the cause of education, of all those sects into which the other Protestant portion of the community is divided? The Noble Lord will answer me, or the great body of the country will answer me, — the Wesleyan Methodists. They will tell me that, from the days of John Wesley to the present time, that sect has been distinguished by a religious zeal which has afforded — I will not say a contrast, but — an honourable object of emulation to the members of the established church itself: they will tell me that that sect which differs the least widely from the established church, which in matters of doctrine hardly differs at all, which has put itself prominently forward, on all occasions, as the friend of education, properly so called, combined with religious instruction —

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they will tell me, and the petitions which have been showered on the table of this House will tell me, and tell the House, in terms not to be mistaken — that, among them, but one universal feeling of absolute distaste to, and detestation for, the scheme now provided, exists!

Let the Noble Lord, then, say which of the other religious denominations of the country have come forward to support the scheme which the Government proposes? The most that he could argue would be founded upon so much confidence and assent as are exhibited by their expressive silence; while, from the greater proportion of the other dissenting bodies, petitions have been brought forward, of course widely differing from the views of the established church and of the Wesleyan Methodists, but differing not less widely from the plan of the Government; and many have been presented from the other side of the House, praying that, unless certain conditions be complied with (which, however, I trust, will never be complied with), no further grant may be made. Therefore, while the Baptists, and Socinians, and other separatists tell him that the success of his board depends on his having the combined approbation of all religious denominations in this country, I can find no one sect which has signified its assent to this scheme, — a scheme which, on the other hand, is opposed by the established church as one man, and by the next most active and important body in the country, — the Wesleyan Methodists, — among whom exists no difference of opinion as to making one common cause with the established church.

But, Sir, if I object to the constitution of this committee, as a body, to regulate and control the education of this country, on the ground that it is fluctuating in its character and political in its object, and also that it does not even carry with it the recommendation of its having the support and confidence of any one great body of the various denominations of this country; yet I object to it still more strongly and decidedly as a churchman, because I find that the constitution of it is such as to give the religious education of the people to a body exclusively named, and unconnected with the Church of England. It is a new proposition, — and it is highly improper that such a question should be left to the judgment of such men as would be employed, — when such a principle is involved as the question of what is meant by education? Those who limit it to the mere enlargement of the intellect, or the securing to the scholar a certain degree of worldly knowledge and temporary information, — who endeavour to fit the population of this country for the improvement of their own condition here, without reference to religious feelings or motives, apart from spiritual knowledge, — I perfectly understand; and I concur with them, that with such a system the clergy have nothing to do, and that such a system would be most fitly superintended by a body of laymen: but, Sir, give me leave to say, that I believe that that is not the light in which education is looked upon by the great body of the people of this country, or in which it has been viewed from the earliest ages; for education has been regarded in connection with religion, by the constitution and the laws of the land. It is not a thing apart from religion — it is not a thing apart from the church — it is a business which the constitution and the laws of this country consider as the peculiar province of the clergy of this country; and which, being a spiritual matter, belongs to the spiritual superintendents of the people. In very early times — in times before the Reformation — the education of the people was wholly and entirely in the hands of the clergy; it was almost, if not exclusively, in the hands of the Catholic clergy. But we are not now contending whether it should be in the hands of the clergy, or not? but that it is not now considered, nor ever has been, by the law of the land, or by the people, as a thing to be dealt with apart from spiritual superintendence, and from religious instruction. I find it laid down by the Chief Justice, in a case so early as the reign of Henry IV., in the French of that day, that "*La doctrine et information des enfans est chose spirituelle,*" and as such it has remained, and been considered, from that time to the present; and it is considered in common law, that matters peculiarly of education belong to the ecclesiastical courts, and the courts have decided it to be a matter of ecclesiastical cognizance, and have, therefore, refused to interfere with such subjects. I believe that that is a doctrine as old as the history of this country, and exists even down to the present time. I do not require to be told, as the Noble Lord has told the House, that by the Act of Toleration, and various other statutes, Dissenters are excepted from various provisions to which they were before liable. That is not the question, however, now. But I contend that education, whether of persons connected with the church or with Dissenters, is not a thing apart from religion; that it is a thing necessarily con-

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nected with it — necessarily dependent on it, — and on which religious doctrine and religious faith must, in a great degree, be grounded. Religion, then, is not a thing apart from education, but is interwoven with its whole system, and is a principle which controls and regulates the whole mind and happiness of the people.

The Noble Lord, the other day, at the commencement of the Session, on introducing his plan, after speaking of the Act of Toleration, and of the perfect freedom of education among all classes of society, — which no one, now, would think of disputing, but which we are, nevertheless, charged with disputing — although such a charge is utterly without foundation, — thought it necessary to tell the House that "he conceived the general recognised doctrine of the state to be, that education was free to all persons, whether members of the church or any other religious denomination." To be sure it is; but let us have it free to the church also, and let us not have the government of the country interfering to take away the education of the children of the church out of its hands. Perhaps some Honourable Gentlemen may sneer at what I humbly conceive to be the legal position of the question; but I think that they may be inclined to listen to the very high authority on this subject, to which I am about to refer, and who says, in terms so clear and comprehensive, how far education is connected with religion, and how far it should, consequently, be connected with the church. In giving judgment in a case in which reference was made to the courts of ecclesiastical jurisdiction, Lord Chief Justice Holt laid down this doctrine: —"Without doubt, schoolmasters are, in a great measure, intrusted with the instruction of youth in principles, and therefore it is necessary they should be of sound doctrine; and in order thereto, subject to the regulation of the ordinary." I do not mean to go farther than this, now; I do not desire to interfere beyond this.

An HONOURABLE MEMBER on the Ministerial side of the House. — That is far enough.

LORD STANLEY. — An Honourable Member says "That is far enough;" but I say that, — whether in that Honourable Gentleman's estimation it is so, or is a great deal too far, — from the earliest times, such has certainly been the law, and the practice of the kingdom, sanctioned by the judges and by the authorities of the highest importance, and most intimately connected with the feelings and affections and convictions of the people of England. Now, Sir, I know it is very easy to say, "Well, but we admit all this; that education must involve religious instruction — must be based on religious principles; we admit (and so said the Noble Lord, himself) that education is not a thing separate and apart from religion, and that it is necessary, in any scheme which may be adopted, to give it to the youth whom we instruct, and to take care that they receive instruction on those points of faith and doctrine which are essential to secure the foundation of principles of moral and religious conduct." This is a very serious question; it is a question which is hardly necessary to treat of or argue in any popular assembly; and yet it so mainly depends on its discussion, — I mean, how far the church is justified in assenting to the principle proposed by the Government, for the combination of all classes in one common scheme, and for receiving them all into one common institution, — that it is necessary to ask the House whether or not we can abandon those great points of doctrine and faith on which the various sects of the community differ, — and yet which are so interwoven with the doctrines of Christianity, and so important to Christian motives, that they cannot be overlooked by the church, blinked by the people, or complimented away, — for the purpose of the adoption of this new plan? It would involve the questions of faith, of the efficacy of the baptism of infants, and of the blessed benefits derived from the Holy Eucharist; and yet we must consent that these should all be put aside as matters not to be treated of in public, and in ignorance of which, all classes, whether Baptists, or Quakers, Socinians, or Roman Catholics, should be brought up. If these were — any of them — points of abstract principle, or were mere dogmas, the solution of which in one way or other was of no great importance, I should say, out of Christian charity, and for the purpose of combining all that could be united, and of laying aside all that was not important or essential, and whatever was food for speculation, that the principles, so far, might be adopted; but when I see that they are not such *dogmata*, but the main springs of Christian doctrines, — and when I believe that they must form a most material point in religious instruction, and should be thoroughly inculcated in the hearts of children, — I cannot agree to any fanciful scheme of conciliation, or treat as matter of minor importance, or of indifference, or as things to be put aside, those principles which I hold to be among the fundamental doctrines of Christianity.

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Sir, when we are charged by Honourable Members on the other side of the House with claiming, on the part of the church, that it should have the exclusive right to educate, I ask the House and the Noble Lord, — (and I shall ask no more, for the purpose of proving the utter groundlessness of the charge,) — what objection there is to such a scheme, when I point to the almost unanimous assent of this House — the almost unanimous assent of the country, and to the entire approbation of the great body of the community — which were exhibited to the system of education that, from 1834 to the present time, has been carried on under the auspices of the Government? Is that a scheme which vested in the clergy of the established church the absolute control of the education of the people? Is that a scheme which interferes with the free right of all denominations to educate their own people — nay, to object to have them educated by the assistance and at the expense of the state? Why, Sir, it is well known that, according to that plan, the funds of the country have been bestowed, not upon the Church of England alone, or on the members of the Church of England alone, but professedly and intentionally on two societies, one of which is deemed the representative of the Church of England, while the other appears to consist of those who dissent from that church. Has there been the slightest suggestion that the funds granted have been misapplied? or has there been a question whether the conditions laid down by Parliament have not been followed? or has there been even the slightest partiality exhibited in the mode in which the funds have been distributed? Certain conditions were imposed in 1834; and I will take the liberty of referring the House to the scheme as proposed in the first instance, by Lord Althorp, — and as it has obtained, since then, the almost universal concurrence of the country; and then I shall point out to the House in how many and in how important points the scheme of the Government, now proposed, departs from the fundamental doctrines laid down by Lord Althorp, and also from the despatches of the Government, delivered in March last. Lord Althorp said, —

"I am well aware that the circumstance of the Government advancing money, and assisting an object of this kind, has a tendency to check private charity; and that such interference is, in general, mischievous rather than advantageous. But there is one thing in which private subscriptions are frequently deficient, and that is in first setting a school on foot; and we have thought that it would not be an improper expenditure of the public money to grant the sum of 20,000*l.*, to be applied, in the present year, to assist in building school-houses. This money will be placed at the disposal of the Treasury; but it is not the intention of the Treasury, in appropriating it, to take the recommendation of the two societies established in this country, — the National and the British or Lancasterian Society.

Sir, I entirely concur in that doctrine of the Noble Lord. I know that his doctrine has been, upon every subject, that, if the Government funds were given, local contributions were checked: but the right principle is, that they should not be checked, but should be extended as far as possible; and the Right Honourable the Chancellor of the Exchequer agreed to and acted upon that doctrine. "It is intended (said he), first, that no advance shall be made out of this grant towards the building of any school-house, unless a subscription to a certain amount be first made; and, secondly, which is most important, it is intended that even if the required amount be raised by subscription, no advance shall be made for the purpose of erecting a school-house in any place, unless the Treasury shall be satisfied that there are funds sufficient to keep the school in action after the house has been built." The Government acted upon that principle in the year 1834, and during the subsequent years to the present time; and the applications, since, have become greater in every succeeding year, until at length they have been obliged to complain of their inability to meet the wishes of all parties.

I am, perhaps, wearying the House in entering into these details; but it is important to inquire what was the effect of the system in the first year after it was undertaken in this country; because, if we are going to deviate from a scheme against which no voice has been raised, for the purpose of entering upon a plan against which a universal and indignant outcry has been excited, it is right that some satisfactory reason should be given to the public, showing the necessity for pursuing some new course. The object of this scheme is to promote and increase the amount of education given throughout the country: the extent of education now afforded has been unanimously declared to be lamentably deficient; and, indeed, it has been lamentably deficient up to the present time. Nobody denies this fact; no persons are more sensible of it than are the members of the established church; and to a system of education founded on fair, impartial, and equitable principles, — a system not interfering with the principles and doctrines of the church, but afford-

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ing every latitude to the education of the Dissenters, — I tell the Noble Lord (Lord J. Russell) and those who surround him, that from no portion of the community will it more readily receive support than from these Gentlemen who now sit opposite to them. If the Noble Lord doubts it, I wish he would try the experiment. If the Noble Lord will persist in, instead of departing from, the present system, — a system which has been carried on, now, for four years, successfully, and without complaint, — and will propose to increase the amount of the public grant in furtherance of this system, probably all the opposition the Noble Lord will meet with will be, not from this, but from the Noble Lord's own side of the House. In the year 1834, the Treasury minute, presented to Parliament on the 7th of March, states: —

There exists throughout Great Britain the utmost anxiety that the funds provided by Parliament for the purposes of education should be made generally useful; and the private charity and liberality, so far from being checked, have been greatly stimulated and encouraged by reason of the public assistance afforded to the principle laid down in their minute of the 30th of August, 1833. The applications now before my Lords, and recommended to their favourable consideration, amount to a sum of 31,016*l.*, whereas the sum at their disposal does not exceed 11,719*l.* Applications have been received from 236 new schools, calculated for 55,168 scholars, and local and charitable funds were tendered to the amount of 66,492*l.*

Is there, then, any indication in 1834 that the plan laid down by Lord Althorp had failed? Is there any question or complaint raised, that the funds voted by Parliament towards increasing the amount of education throughout the country have been unduly applied? or that those funds have passed unduly into the hands of one portion of the community, at the expense of the other? I believe that, in the first year, the distribution of the 30,000*l.* voted was made up in an equitable ratio between the two societies — the National School Society and the British and Foreign School Society, — and upon the equitable ratio founded on the first of all the principles of the scheme — namely, that the members of each should have the required amount, founded on the proportion of the local contributions. And did this state of things cease with the year 1834? Not at all. I hold in my hand Returns for the years 1834, 1835, 1836, and 1837. The Return for 1838 was moved for by the Honourable Member for Waterford, (Mr. Wyse), in a different form from the preceding Returns, and does not show the amount of local contributions, or that which became available for the purpose of education. But from the other Returns it appears that, in the year 1834, the amount granted was 20,484*l.*, in aid of 48,111*l.* local contributions; in 1835, a grant of 19,368*l.*, in aid of 59,619*l.*; in 1836, a grant of 21,669*l.*, in aid of 71,731*l.*; — (the proportions all this time of the local contributions becoming larger as the most stringent rules were laid down by the Treasury, in consequence of the funds at their disposal being so limited); — and in 1837, a grant of 17,277*l.* was given in aid of 54,486*l.*, the amount of local contributions and private beneficence of that year. During the four years to which I have referred, this was the result of "the wretched, miserable contribution" of 78,798*l.* made by Parliament: it produced from the private funds of individuals a sum of 165,149*l.* towards the building and erection of schools; it produced from the same sources 233,947*l.* for the permanent and continued education of 153,600 more scholars than were previously in a course of education in England; it not only drew forth other great exertions for the building of schools, but the expense of the whole 153,600 children, and the continued support of the schools, were charged — not on the public funds, but — on the private munificence and benevolence of individuals. Now, I ask the Noble Lord, and I ask the House, with regard to the extent of education, the amount of local interest excited, and of private beneficence thus displayed, what grounds exist for finding fault with or abandoning the system of the year 1834, which has worked prosperously up to the present time? I should be sorry to suppose it possible that such a motive can actuate her Majesty's Government, as that they feel it expedient to withdraw from the system, because, under it, year after year, in consequence of the exertions of the church, the whole amount of the Government aid has been invested in the education of the children in the communion of the church. I desire freedom of education; but I cannot consider it matter of indifference either to the Government or to the country, — still less that it can be an objection to the system, — that, under it, without partiality or undue interference, a larger proportion of the population than heretofore has been brought up, not in ignorance, infidelity, and perhaps vice, but gathered to that church which has been, which is, and which I trust will long continue the national establishment of the country. I am confident that the Noble Lord and

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her Majesty's Government will disclaim any such motive, and will adopt other and bolder grounds for the change. I conclude it will be argued, that it is not the mere building of schools — it is not the mere brick-and-mortar foundations — it is not the extent or quantity of the education afforded by these societies, — it is not these matters which are of essential importance to the country; but that, not only is the quantity of education given, deficient, but that the quality of the education afforded both by the National and British and Foreign School Societies is far below what it ought to be, and that the qualification of their teachers is also below what it ought to be, when the state of civilisation and refinement to which this country has now arrived is taken into consideration.

If this be the ground of objection, I am ready to meet the Noble Lord upon it. I maintain that none have put themselves so prominently forward in endeavouring to improve the qualifications of those masters — none have been so anxious for the foundation and maintenance of normal schools for training teachers — none have taken so early and so active a lead in seeking to attain all those objects, as have the members of the established churches of England and of Scotland; and I will prove that, if there has been delay in some matters, if no normal or model schools have been founded in either country, the blame rests, not with those societies which have been intrusted by Parliament with public funds, but the blame rests with the Government, themselves, who have delayed that assistance which those societies required. The first grant for model or normal schools was taken in the year 1835; it was voted without observation at a late period of the Session, — but having once been so taken, it has not been questioned from that time down to the present; and it is with great surprise that, looking from the year 1835 down to the present time, I could find no trace of the manner in which that sum of 10,000*l.*, with which the Government were intrusted in 1835, has been applied. I accordingly called for the correspondence which took place on the subject; and the paper I now hold in my hand contains the result of that correspondence. In the first place it states that no part of the 10,000*l.*, voted in 1835, has been yet expended. Here, then, is the delay — here, then, is the fault. Whose is it? Is it the fault of the National Society, of the British and Foreign School Society, of the members of the established churches of England and Scotland, or of her Majesty's Government? I will proceed to show with whom the delay has arisen, and to whom the fault is to be attributed. In March, 1838, the Glasgow Educational Society, which has taken a most active and efficient part in the establishment of infant and model schools, and also of normal schools, — and from whose regulations the Noble Lord opposite borrowed much of that which was valuable in the details of the scheme he has abandoned, — reminded the Government that "a deputation from the society had waited on the Right Honourable the Chancellor of the Exchequer, about two years ago, to ascertain whether he would recommend a grant of 3000*l.* for those purposes, provided a similar sum were raised by private contributions. The proposal was well received by him; but, as he was not prepared to give a decided answer, no further steps were then taken, and no formal application was then made to their Lordships." Subsequently, however, a grant of 1000*l.* was applied for by the society, and (it is said) "this request was ultimately complied with, as intimated by your Lordships to the Rev. Dr. Black and the Rev. Peter Napier, on certain conditions, with which the society are ready to comply, but they delay applying for the money until they shall have laid before your Lordships all their wants." The society then state that they have considerably extended their original plans; that they have gone to a very large outlay, and are anxious still further to extend their useful operations. They further state, "that the Glasgow normal seminary is connected with the Church of Scotland in the same way as the Scottish parochial schools, — being intended chiefly to train masters for those schools; but all, of every denomination, are admitted to its benefits as students upon the same terms, — namely, the payment of a small fee in aid of the funds." They then solicited a grant of 5000*l.*, to enable the society to complete the institution; and they state their readiness to exhibit vouchers of the actual expenditure in such form as the Lords of the Treasury might require. This application was made in the month of March, 1838; and the paper from which I quote, purports to be the correspondence which took place on the subject. It contains one side of the correspondence, — namely, the application; but if there have been any answer sent, it does not appear in his Return. Some answer may have been sent, but ——

LORD JOHN RUSSELL. — No answer was sent.

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LORD STANLEY.—Then no answer has, it appears, been sent; and so, with regard to the normal school at Glasgow, and to the exertions of the people of Glasgow, my Scotch friends will be glad to hear that there can be no charge of lukewarmness against them for not endeavouring to forward this important branch of national education. I now come to the letter (contained in this Return) of the Secretary to the Treasury, written by direction of the Chancellor of the Exchequer, in which he calls the attention of the National School Society and of the British and Foreign School Society to the plan proposed by her Majesty's Government, and invites the cordial co-operation of those societies to carry it into effect. And what was this plan? In the first place, the letter invites the National and British Societies "to direct an inspection to be made for the purpose of the several schools which they have recommended to the board, and for the erection of which grants have been appropriated out of the parliamentary votes;" and, secondly, the letter adds —

My Lords are of opinion that the erection of model schools for the instruction of teachers, by both the National and British and Foreign School Societies, would greatly tend to add to the efficiency of their several establishments, and that they should be called upon, if the respective committees of those societies concur in that opinion, to take steps for such purpose; it appearing to my Lords, that public aid might be advantageously directed towards this object, provided a suitable plan for carrying those intentions into effect were submitted to the board and approved of, and provided that the principle of private contribution already laid down and carried into effect by previous minutes of their Lordships, were strictly adhered to.

The letter also contains fourteen questions, to be answered by both these societies, and, as I have already stated, is dated the 7th of July, 1838. Was there any delay on the part of these societies, on the receipt of that letter? None; for on the 21st of July the following answer was sent by the National School Society. It is dated "Central School, Westminster, July 21. 1838:"—

I have laid your letter of the 7th instant before the committee of the National Society; and, with reference to the subject of model schools, I am directed to state in reply, that the committee are very desirous to profit by public aid in regard to these institutions, and will gladly avail themselves of any assistance which the Lords of the Treasury may offer for the purpose of promoting and assisting local exertions and contributions towards the maintenance, extension, and effectual improvement of the model schools which already exist in the metropolis, and in various parts of the kingdom; and in order to accomplish these objects, the board is particularly impressed with the importance of making such arrangements as will enable the teachers to remain for a longer period of time in training, and afford encouragement to a superior class of persons to offer themselves for the service of educating the working classes. Your letter invites the committee to call upon their Lordships for assistance in the undertaking referred to. With reference to this, and for the purpose of manifesting the earnestness of the committee on the subject, I am directed to add, that the desire of the board was expressed according to the foregoing terms in July, 1835, in answer to an inquiry relative thereto made by the Right Honourable the Chancellor of the Exchequer, and that a direct official communication, embodying an expression of the same sentiments, was again addressed to the Chancellor of the Exchequer in the early part of the next year (1836), in reply to which it was stated, "that the subject of model schools was at present before him, and would receive his best attention."

[Cries of "Hear, hear!" and laughter.]

So that in 1838, at least, the Chancellor of the Exchequer gave "his best attention" to the subject of model schools, and asked the co-operation of these societies. The letter went on to state, they had already answered the fourteen questions bearing on the subject, and contained in the letter of the 7th of July, and it then proceeded to inquire whether it was intended to limit the grant to the same proportion of contributions as formerly,— namely, to *l.* sterling for every two children, according to the number of scholars accommodated in the schools for practice? and it was further asked, —

First, whether the National Society may expect one half of the estimated cost of the buildings indispensably required for a model school? or what proportion of the cost it may be their Lordships' purpose to allow? and, secondly, whether they may be favoured with the assistance of their Lordships in providing them with a site at Westminster, or within a reasonable distance of their present central school? by which arrangement a material diminution of the expense of the proposed undertaking would be effected.

To this communication the society received no reply until the 4th of September, 1838, when the following satisfactory answer reached them: —

With reference to your secretary's letter of the 21st of July last, in answer to the letter from this board (the Treasury) of the 7th of the same month, on the subject of model schools, I am commanded by the Lords Commissioners of her Majesty's Treasury to inform you, that, until they have before them the general views of the society in respect to the scale of the proposed model school, and the estimated expense, my Lords are unable to give precise replies to your inquiries further than by stating, that, whilst

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they still adhere to the principles of private contributions in aid of this important object, my Lords do not mean to limit their aid by the proportions fixed in reference to ordinary schools.

The House will perceive that no reply was given to the inquiry with regard to a site; and on the 20th of September the committee of the Central Society again wrote, requesting an answer, in that respect, to their letter of the 21st of July. On the 5th of October they received this answer:—

With reference to that part of your letter of the 20th ult., requesting an answer to the inquiry in your letter of the 31st of July last, relative to the providing of a site for a model school within a moderate distance of the present central school, I am commanded by the Lords Commissioners of her Majesty's Treasury to request that you will furnish their Lordships with some explanation of the application referred to.

Upon this, did the Central Society lose any time? On the contrary, they felt themselves called on by that document to proceed to minute investigations as to the details of the plan, and the estimated expense, with a view, generally, to furnish the fullest information upon which the Government could give an immediate answer, "ay or no," whether they would adhere to the proposition; and accordingly, on the 13th of February last, the Government was furnished with detailed plans and estimates by the committee of the Central Society. And what was the result? Why, that on the 18th of March following, they received this very satisfactory answer:—

In answer to your letter of the 9th instant——

(for, having received no reply, the committee had written again on that day)

—In answer to your letter of the 9th instant, calling the attention of this board to your application of the 13th ultimo, for a grant in aid of establishing a large training institution in connection with the central school, I am commanded by the Lords Commissioners of her Majesty's Treasury to acquaint you, that they have forwarded your application for the consideration of the Committee of the Lords of the Privy Council for Education.

Now, it is a little singular that the application made on the part of the National Society connected with Liverpool was in the same condition, and met with a similar fate; for they also, on the 2d of March, received information that their application had been sent to the Committee of the Privy Council. That Committee of the Privy Council, to which these references were made on the 2d, the 9th, and the 18th of March, had (as the House has been informed) no legal existence whatever until the 10th of April last, when it was constituted by an Order in Council. Consequently, for the mere purpose of avoiding giving a direct answer to a direct application, made in pursuance of an application on the part of the Government themselves——

[Cries of "No, no!"]

—Well, if not for the purpose, at all events such was the effect of the course pursued. The Government transmitted that application to a board which, at the time, was not in existence. What was the consequence? Why, that on the very day after the constitution of that board,—on the 11th of April,—the board issued a minute, intended to be the basis of all future proceedings, which directly, and in terms, negatived the possibility of the Government assenting to this application, which was, in fact, the very same the Government had themselves invited in the month of July previously. I have quoted these documents at some length, and I fear to the inconvenience of the House; but I have done so for the purpose of appealing to the judgment of the House and to the country, to determine whether, on this point of improving the quality as well as the quantity of the education to be given through the agency of these societies, there has been any delay on the part of those who desired that education to be on a religious basis? or whether, on the other hand, there have not been great and unnecessary delay and inconsistency on the part of her Majesty's Government, who, in July, 1838, put forth proposals for the disposal of a grant obtained in 1835, and afterwards, in April, 1839, informed the applicants that they could not carry out the very proposition which they had made in the July of the previous year?

Having now, at such length, explained my objections, on principle, to the constitution of the board, and to the unrestricted and irresponsible power proposed to be given to them,—of making, at their sole will and pleasure, most important, and perpetual changes—(as they may be)—in the whole system of moral and religious education, under which the youth of this country are to be trained; and protesting, as I do, and always will do, against giving to any Government or Administration powers so extensive and arbitrary as those claimed by her Majesty's present advisers; I will now turn to the consideration of the spirit of the two plans put forward by her Majesty's Government, under the authority of the Committee of the Privy Council. I ask whether, even if the principle were not dangerous, and the powers

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were not unconstitutional and arbitrary, the scheme is so innocent, its rules so unobjectionable, clear, definite, and incapable of misconstruction, as to reconcile the people of this country to its being conducted and carried on under the irresponsible authority of that board? It was laid down, in the first instance, that the grants were to be made (and the arrangement was entirely satisfactory to the country) upon the responsibility of the two societies, whose system of education is known, and which are composed, in one case, of clergymen of the Church of England,— at least, such clergymen constitute the great majority of its members, and, *ex officio*, all the heads of the Church of England are members, — composed, in short, of individuals in whom the members of the Church of England repose implicit confidence, and for whom the people at large, whether Dissenters or Churchmen, cannot but entertain the highest respect; — and in the other case including a great number of the best instructed and most pious of the dissenting body; while both comprise within their limits a very large amount of clerical superintendence and clerical security for the communication of religious instruction according to the forms of the established church, or of the different dissenting congregations. The great complaint is, that their funds are insufficient, and the demands upon them are so extensive that it is impossible, within reasonable limits, to meet them. What was the first step which it was proposed to take, in order to meet the pressure of the case? That to the National Society, and to the British and Foreign Society, having from the one a demand for 25,000*l.*, and from the other what I admit to have been no great encouragement, — (for they declared it inexpedient to expend money upon model schools, except on conditions to which the Government could not accede,) — not a *minimum* but a *maximum* should be given of 2500*l.* for the cost of normal schools — 2500*l.*, and no more. The next point, and a most important one it is, relates to the appointment of the school inspectors. Let the House observe how carefully these new powers of control were introduced by her Majesty's Government into the last plan but one which they submitted to the consideration of the House.

[Cries of "Hear, hear!" and laughter.]

It would be very difficult to contend against the principle that, where public aid is administered, the public have a right to satisfy themselves, by their own inspection, and examination, that that public aid has been judiciously applied. This is a principle against which I, for one, will never attempt to contend; and therefore I freely admit the doctrine which has been laid down, that, as aid is to be given by the Lords of the Treasury to certain schools, to be conducted under the auspices of certain recognised societies, they have a right first to satisfy themselves that such aid is properly applied; and, next, that those societies shall regularly report to them as to the state and progress of the schools which are to be built by a grant of public money, and are to be supported afterwards by voluntary contributions. But the Government do not propose to limit their grants to the purpose of erecting the schools, but, in certain particular cases, think it expedient to aid in supporting the schools; to give to their inspectors, — of whom there were at first to be but two, — to their secretary, and to their staff, the power to communicate "useful hints," not only to public but to private schools throughout the different parts of the country, and to apportion gratuities to such of the teachers as shall adopt those improvements which may have been suggested by Government. I may, perhaps, entertain an unjust suspicion——

LORD JOHN RUSSELL. — Hear, hear!

LORD STANLEY. — I shall be happy to become assured that my suspicions are unjust; but when a plan is proposed one day, and half abandoned on the next;—and when it is proposed to concede an authority founded upon mere Treasury minutes, and not upon Acts of Parliament;—it is the duty of this House to look with suspicion upon the progress of such transactions, and to take care not to permit the existence of any loop-hole or dangerous ambiguity, where there is a question of distributing the public money. The provision to which I here object is, that the Committee of the Privy Council shall have the power of "granting gratuities to such teachers as may appear to deserve encouragement." How can they ascertain whether they are deserving of encouragement, if they are not first to examine whether the schools themselves are in conformity with the plan of the committee? The inspector is to have the power conceded to him of visiting these schools, and of inquiry as to the introduction of all the improvements which he may suggest in the art of teaching; — and is this not to meddle with the internal regulations of the schools? When gratuities are thus to be distributed, merely on

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the report of their inspectors, I contend that I am not doing great injustice to the Government plan, in saying that it is a most artful mode of intermeddling with the management of private schools. On the 11th of April it was determined that it was not expedient to expend, in grants for building schools, more, in any one year, than 10,000*l.* This determination was greatly modified; for, in a month after, it was decided that from 20,000*l.* to 30,000*l.* might be so expended. It was resolved, in the first place, that —

The committee recommend that the sum of 10,000*l.*, granted by Parliament in 1835 for the erection of normal or model schools, be given in equal proportion to the National Society and the British and Foreign School Society. That the remainder of the subsequent grants for 1837 and 1833 yet unappropriated, and any grant that may be voted in the present year, be chiefly applied in aid of subscriptions for building, and in particular cases for the support of schools connected with those societies; but that the rule hitherto adopted of making a grant to those places where the largest proportion is subscribed be not invariably adhered to, should application be made from very poor and populous districts, where subscriptions to a sufficient amount cannot be obtained.

That is to say, they assume the unlimited right of judging for themselves, and of not being accountable to any one. If the aid is to be given without reference to their own rule, — if the amount of aid is to be diminished or increased in proportion to the amount subscribed from private sources, — what a temptation is afforded to the schools to simulate poverty — to affect not to be in that flourishing condition in which, perhaps, the liberality of the public may have placed them; and this will tend to paralyse local exertion, by inducing the expectation of assistance upon the part of the Government. But the last passage in the minute is the most extraordinary portion of the whole. It runs thus: —

The committee recommend that no further grant be made, now or hereafter, for the support of normal schools, or of any other schools, unless the right of inspection be retained, in order to secure a conformity to the regulations and discipline established in the several schools, with such improvements as may from time to time be suggested by the committee.

[Cheers from the Ministerial benches.]

Honourable Gentlemen cheer. This may be all exceedingly right for those who place unlimited confidence in the discretion of the committee. But for those who entertain no such confidence, — for the country, that is, at large, — I think there is no great security as to the solidity of a plan which, after we have granted them 30,000*l.*, may afterwards be modified in accordance with the experience of four individuals. I will not now enter into the merits of that scheme, or waste the time of the House by arguing on the fundamental defects of the plan, which, from one end of the country to the other, has produced an unqualified declaration from every religious body, that such a scheme is utterly unsatisfactory for the inculcation of religious principles. I will leave to others the task of pointing out the impossibility for members of the established church, the members of the great body of Wesleyan Methodists, and of the other great religious bodies in the kingdom, to acquiesce in a scheme which proposes that the religious instruction of the people shall be conveyed through a body of teachers to be educated for the purpose, and allowed to exercise those functions as soon as they shall have been declared qualified to instruct, without reference to the religious creed of the pupil, or the religious qualifications of the teacher; and that this system of tuition shall be carried on under the direction of the Committee of the Privy Council. Only conceive such a body to conduct the details of the religious education of the country! Only think of such a task devolving on four Lords of her Majesty's Privy Council! But we are also to have a rector appointed, who is to have the control of the religious instruction of all the pupils, without exception.

LORD J. RUSSELL. — No!

LORD STANLEY. — The Noble Lord says, "No!" and perhaps he can explain away the text of this minute of the Privy Council. The Noble Lord promised, ten days since, to put forth some explanatory documents, — but the documents with which he now comes forward, afford no explanation at all. This is nothing more than a nominal and sham abandonment of, with power to return to, the original scheme. The minute in question directs that "a portion of every day shall be devoted to the reading of the Scriptures in the school, under the general direction of the committee and superintendence of the rector." The Scriptures, then, are to be read as a portion of the "general education," under the superintendence of the rector, as specified in the minutes. Protestants of all denominations, Roman Catholics and Socinians, are all to read the Scriptures, and each in his own version. Really, this passage does require an explanatory statement. But the whole scheme has excited — and, unless Parlia-

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ment interpose, will still continue to excite — general suspicion throughout the country; and more especially that part of the plan which announces, that under the direction of the same individual shall be read the Roman Catholic version, the authorised version, and, as a matter of course, the Socinian version of the Sacred Scriptures. All is to be under the superintendence of the same individual; and what, I will ask, is to be the religion of this individual? Is he to be a man of all religions? or, is he to be a man of no religion? Here is the mischief of jumbling together plans which are perfectly applicable to one system, but perfectly inapplicable to another. You have borrowed your idea of a rector and a general director of studies — with a view to qualify the respective teachers — from the Glasgow normal school, in which the duties of a rector are plain and simple, because the whole arrangements are carried on under the sanction of the established church of Scotland, — of which church the rector himself is a member. But the Noble Lord has said, in answer to various petitions condemnatory of this monstrous scheme of the 11th of April, — "This is not our scheme, now. We have quite a new plan, at present; and how do you know that they have not petitioned solely against our old scheme, and are quite satisfied with our new one?" In so far I believe that the petitioners, as a body, have strictly instructed their representatives to announce that their objection is against the principle; and that the new scheme is, therefore, as objectionable as the old plan. Some of the petitioners — and I am disposed to concur with them — declare the new scheme to be still more objectionable than the former, because more ambiguous. The whole tone and temper of these parties are directed, not against little trifling details of the scheme, but against the pervading spirit and principle which actuated her Majesty's Privy Council in bringing forward the scheme of the 11th of April. But the Noble Lord says that they have abandoned that scheme. Have they? I do not believe that it is abandoned. It is convenient to abandon the defence of it. It is convenient to bow to the storm, and let it pass over their heads, and retain that degree of elasticity which will enable them, when the storm is passed, to rise again and resume their former position. Abandoned! Very far from it; for, in the last edition, the passage still remains which decrees that the funds shall not be merely supplied to the National Society and the British and Foreign School Society, but that, in particular cases, the Lords of the Treasury may give a portion of their funds, not only for the erection but for the support of the schools connected with those societies; and it is distinctly laid down that no assistance shall be given to any school, normal or otherwise, unless the direction of it be retained, in order to see whether or not it conforms to the regulations of the several schools, with such improvements as may, from time to time, suggest themselves. If this scheme meets with the sanction of Parliament, you will be putting the whole education of the country into the hands of a Committee of the Privy Council, — delivering it over, bound hand and foot, into the absolute direction of four Lords of the Treasury, and the secretary and inspectors whom they may choose to appoint, to carry into effect certain regulations which they may, hereafter, think fit to lay down, but of which Parliament is to have no cognizance. Has any part of the scheme been abandoned? Against the normal schools, which were to be placed under the superintendence of the individual called "rector," the outcry through the country was so great that the Government found it impossible to defend that portion of their scheme. But let it not be supposed that, because they come out with a new scheme, they have abandoned this portion of their former plan. No such thing.

> The committee are of opinion that the most useful application of any sums voted by Parliament would consist in the employment of those moneys in the establishment of a normal school, under the direction of the state, and not placed under the management of a voluntary society. The committee, however, experience so much difficulty in reconciling conflicting views respecting the provisions which they are desirous to make in furtherance of your Majesty's wish that the children and teachers instructed in this school should be duly trained in the principles of the Christian religion, while the rights of conscience should be respected, that it is not in the power of the committee to mature a plan for the accomplishment of this design without further consideration, and they therefore postpone taking any steps for this purpose until greater concurrence of opinion is found to prevail.

Who is to be the judge as to when this increased concurrence of opinion is to take place? It is quite manifest that, while Parliament continues to sit, the concurrence of opinion will be against the committee. But it is equally manifest that the Committee of the Privy Council still cling to this portion of their scheme, and still mean to introduce it, unless the plan be strongly negatived, — and to do that when Parliament is not sitting, which they cannot attempt to do

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while it continues to sit. When, in some two months hence, Honourable Members shall have returned to their homes, and when the Government will have obtained this grant of money, — not upon the abandonment, but upon the postponement, of their scheme, — then, indeed, it will be an easy matter for the Government to declare that there has been a change in the opinion of the country upon the subject. When you — the House of Commons — shall have consented to yield into their hands these large discretionary powers, it is very possible that the return for yielding them will be, to use those very powers for the introduction of a scheme which, to your face, they would not attempt to defend, but to which they still tenaciously cling. I feel that I have trespassed on your attention too long. I feel that I have very inadequately discharged the duty which I have thought it requisite to impose upon myself; ——

[Cries of "No, no!"]

but I feel confident in the good feeling which animates the majority of the inhabitants of this country. I feel confident that the majority — that the vast majority of the religious public, of all denominations, have already condemned this scheme, and the council in which it originated; that the bulk of the constituencies in this country have condemned and will continue to condemn it; and I am not without hope that, yielding to the manifestation of public opinion, the majority of this House will not be found, this night, to sanction a scheme which has already been condemned — unequivocally condemned — by the religious public, and denounced by the bulk of the constituencies; — which takes away from the legitimate authority of Parliament that control which it ought to exercise over the education of the people, and vests it in an irresponsible jurisdiction; — which separates the religious education of the established church from the supervision of her authorised ministers, for which, if improperly delegated to laymen, of whatever persuasion, you will have no ground for reproaching them (as they have already altered their scheme once) with changing its entire form and substance, if it so should please them, hereafter; and which, if you do not repudiate at once, you will have lent your hands to the establishment, as I firmly believe, of a system which has a direct tendency to unsettle the minds of the young people of this country; — which will, however unjustly, induce a general belief that, in the mind of the Legislature, an equal degree of authority is due to all versions of the Scriptures whatever; and that it is a matter of perfect indifference in what creed the population of the country shal be brought up; — and, finally, which, by presenting before the eyes of our youth, as of equal weight and equal authority, matters which should be so carefully distinguished as distinct versions of the sacred writings, and essential differences in points of faith, will speedily sap the foundations of all faith, and — what constitutes, in my estimation, the strongest ground of objection to the measure — will gradually lead to general scepticism, and from general scepticism to national infidelity. It now only remains for me to move, by way of amendment, to leave out from the word "That," to the end of the question, in order to add the words "an humble Address be presented to her Majesty, praying that she will be graciously pleased to revoke the Order in Council of the 10th day of April last, appointing a committee of council to superintend the application of any sums voted by Parliament, for the purpose of promoting public education," instead thereof.

On the question being put,—

LORD VISCOUNT MORPETH said: — I was inclined to flatter myself that all essential differences between the Noble Lord who has just sat down and myself were confined to questions relating to Ireland; but I regret to find that, in any expectation I may have formed on this head, I have been disappointed. I certainly did indulge in the hope that, if there was one topic, English or Irish, upon which I might have anticipated the happiness of agreeing with the Noble Lord, that topic would have been the subject of general education. However, the speech to which I have just listened has dissolved this pleasing expectation; for I conceive that the speech of the Noble Lord, and the amendment with which he concluded it, go to this extent, — to separate and divide, by a specific vote of the House, the executive Government of the country — the responsible Ministers of the Crown — from all care, all superintendence, and all control over the general education of the people. Now this, decidedly, is an object wholly at variance with that which I shall seek to attain by my vote upon the present motion. For, so far am I from agreeing with the Noble Lord in such a design, that I own it is my wish that the control and superintendence which the Government is to exercise over the education of the people shall be exercised more largely and fully than it

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can be under any circumstances that can result from the vote which my Noble Friend the Secretary for the Home Department this night intends to submit to the House. There are, however, many reasons, with reference to the former plan, which are sufficiently strong in their practical effect, if not in abstract reason and theory, for not pressing the interference of Government any further than is at present proposed. Those reasons are to be found in the difference of opinion in this House and in the country upon the subject; they are to be found in the great variety of religious denominations and doctrines which exists in the nation, and in the fact that those who profess these doctrines are more eager to maintain their own tenets, than to tolerate different opinions in others. Under all these circumstances, I think the Government exercise a sound discretion in forbearing to press any further the scheme originally proposed; not because—in spite of all the taunts of the Noble Lord—I have any doubt whatever as to the beneficial tendency of that scheme, or that such would have appeared to be its nature if the matter had been fully investigated; but because I think it better not to press a proposition of the highest importance in the teeth of objections, which, however groundless or mistaken they may be, certainly proceed from quarters quite opposite to each other and from persons who differ in essential particulars. I therefore think that my Noble Friend has exercised a sound discretion in not pressing forward this plan at present; and whether it may give a triumph, or not, to any party, I do not feel called upon, at present, to enter into the merits of the scheme which has been abandoned. I am too well aware of my own deficiencies to encounter the gladiatorial talents of the Noble Lord. When the Noble Lord is so liberal of not the most graceful taunts and imputations against my Noble and Right Honourable Friends, and does not feel himself restrained from using them by the remembrance of his former intimacy and long acquaintance with those Noble and Right Honourable Friends, with whose opinions and conduct he must be so much better acquainted than I am, I feel that I have no right to reproach the Noble Lord with the expressions which he has thought proper to indulge in. But what was the chief point of his speech and amendment? Why, whether the responsible Ministers of the country should have any share whatever, however small, or however curtailed or inadequate, in superintending the general education of the people of this country? The Noble Lord has laid great stress upon the point of the Board of Privy Council being irresponsible to Parliament. Now, I think that, if any board can be considered responsible to the country, one composed of removable Ministers is eminently so, and in a much greater degree than any permanent body can possibly be,—certainly far more responsible than the board which originated with the Noble Lord himself with reference to the sister country, Ireland. Why, the very circumstance that the Noble Lord has chosen for the subject of his taunts is a proof of the responsibility of the board, and shows that the proceedings of the Privy Council have been swayed by the opinion of Parliament and the country; for it is nothing else than the hostile feeling which I have already admitted to exist with respect to the former plan, which has caused the Government to withdraw that plan, and to substitute in its stead one more adapted to obtain the sanction of the country in general. The Noble Lord has complained that, according to this plan, public education will depend upon the discretion and control of a board which is subject to the control of one House of Parliament only, and not of the Legislature; but the present will not be the first grant to which that observation applies. But what are the different circumstances of the proposed vote from those of preceding years? The proposed grant of 30,000*l.*, in this respect, is not a departure from the principles on which the grant of 20,000*l.* was made in former years. I do not say that the two grants do not differ in other respects; but they both concur in this,—that, from their very nature, they are subject to the control of one branch of the Legislature alone. A single vote has been given in this House on each proposition; and it is clear that the other House of Parliament has had no voice in the matter. The Noble Lord has expressed his repugnance to rest the whole public education of the country upon a Treasury minute; while, in fact, it has rested as much upon a Treasury minute for the last four years as it is now proposed that it shall. With my feelings upon the subject of national education, I should be glad to see the establishment of a permanent board, which would command the respect and confidence of the country, and would distribute the funds placed at its disposal in a proper and authorised manner. But, I ask, what are the means, where are we to find the materials, to be employed in constructing such a board? I believe that the Noble

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Lord, himself, tried to bring together the National Society and the British and Foreign School Society, for the purpose of forming such a body. What was the very first difficulty that presented itself? Why this; — that the National Society insisted upon the Church Catechism being made an essential part of the course of instruction to be given to the schools, while the British and Foreign School Society could not be prevailed upon to sanction any system in which the Church Catechism formed an indispensable article of education.

Now, I beg the attention of the House to the nature of the scheme submitted to them at present, for I can easily understand the dexterity of the Noble Lord in trying to rivet its attention to another scheme, which is not now under consideration. What are the component parts of the present scheme? What is to be the destination of the moderate grant which it is now sought to obtain at the hands of this House? The Ministers have, as I have already observed, been prohibited from establishing a training school for masters,—a normal school, as it is commonly called, formed upon the best method that modern experience and knowledge can furnish; and I admit I shall ever glory in that part of the plan, instead of for one moment denying it, under which masters of all denominations and distinctions of religious profession could be reared, for whom there could be a demand throughout the country. From this intention, however, which, I still maintain, would have been a most beneficial one, the Government have been diverted, and they now propose to grant one third of the whole amount voted to the training schools of each of those two great educational societies, the National Society and the British and Foreign School Society. As I hold both these societies in great honour and respect, — the one as possessing the confidence of almost all the members of the Church of England, and the other as possessing the confidence of the greater part of the dissenting bodies in this country, as well as that of very many members of the established church, — I rejoice that an equal portion of the grant is to be given to each of those societies; I should be unwilling to draw any invidious distinction between them. Sir, notwithstanding the clearness which is usually to be found in the Noble Lord's speeches, I felt a little at a loss to understand upon what footing the Noble Lord wishes to rest the public aid to be granted for the purposes of education. When the Noble Lord states that there can be no education without religion, but that religion ought to be interwoven with every part of the system, there is no one who is ready to give a more unmixed concurrence to that proposition than I am. But when the Noble Lord quotes from old French statutes, and cites Lord Chief Justice Holt, with other quotations, carrying the mind back to feudal times, I wish to ascertain whether the Noble Lord means that the system of education to be established now, is to be regulated upon the model of the feudal times? And when the Noble Lord says that it is not expedient to take the education of the children of members of the Church of England out of the hands of that church, I cannot help asking, who has ever made any such proposition? I quite assent to the proposition of the Noble Lord, when he says that education cannot be separated from religion; but I feel some difficulty in laying it down as broadly as I understood the Noble Lord to do, that education may not exist apart from the church. I admit the correctness of the Noble Lord's statement, when he says that, in the present plan, there is a departure from two rules which have been previously observed, — the one of these being, that the public aid shall be proportionate to the amount of private subscriptions in the district; and the other being, to extend that aid to no schools except such as are connected with the two societies to which I have referred. Now, as to the first of these points, — the dependence of the amount of public aid on that of private contribution, — the course now proposed to be taken is so far from being a plan suggested for the first time by the Government, that I find it recommended in the Report of the select committee upon the education of the poorer classes, presented last year, in these terms: —

> That the amount of assistance afforded by Government should be regulated as heretofore, subject to modification of their rules in cases where the poverty of the district may be found to require it, — the special ground being reported in each case.

From the spirit of this recommendation neither my colleagues nor I have any wish to depart. If the rule were not subject to such a modification, it might exclude from all participation in the bounty of the state, districts where there exist the largest population and the greatest destitution, but which are prevented by their comparative poverty from contending successfully in the race of competition with their more opulent neighbours, who may stand less in need of public assistance. With regard to the other point, — that of extending the benefit of the grant in some

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cases to schools unconnected with either of the two societies,—I feel no wish to disguise my opinion, that the first duty of the Committee of the Privy Council, or of any board in which it may be considered proper to vest the functions now discharged by that committee, is, to extend by far the greatest proportion of assistance to the most numerous body of persons in this country, — namely, those who have confidence in these two societies; yet I think it would be fair, and just, and proper, when any application is made for a grant of the money of the nation for the general purposes of education, that no considerable body of persons whatever should be excluded, formally and irrevocably, from the intended benefit, — it being always understood that to entitle themselves to it they must, in point of numbers and destitution, make out a fair and reasonable claim. I am, I repeat, unable to understand the grounds of the present objection. In opposition to the former scheme of the Government, it was objected that it was impracticable; and that it was a wretched compromise, because it attempted to unite the education of children whose parents held different religious opinions. Now, whether those objections were well founded, or not, they were certainly intelligible. I might consider it inconsistent in the Noble Lord opposite (Lord Stanley) to make such objections, while he lauds the system adopted by the British and Foreign School Society, which is, in fact, the same as that which the Noble Lord inveighs against so vehemently. But still the objections, themselves, could be understood. But no such union is proposed now. The Noble Lord appears to have shifted his ground, and to oppose the present scheme with equal vehemence, although that ground of objection is removed. What is the principle, then, on which the Noble Lord wishes us to act? Is he prepared to say that it would be right and proper to exclude certain proscribed classes in this country from the benefits of the public grant, or the blessings of education, merely in consequence of their not being mixed up with one or other of these societies? I have no high opinion of many of the doctrines of the Roman Catholics; I have my own notions respecting Unitarian tenets; and I think that, the state of opinion prevailing in this country being Protestant and Trinitarian, those who hold to such class of opinions are entitled to have the greatest proportion of all public grants for objects of this nature applied for their benefit; but, nevertheless, as long as the state think proper to employ Roman Catholic sinews and to finger Unitarian gold, it cannot refuse to extend the blessings of education to those by whom it so profits, in not allowing them to remain in a state of physical misery and intellectual blindness. The Noble Lord makes great objection to the appointment of inspectors, and to the power which is reserved to the committee of introducing such improvements as experience may suggest. Now, I think that the spirit which prevails throughout the Report of the council completely refutes the unfair insinuation that any offensive regulations will be introduced under this power. What are the words of the Report already quoted by the Noble Lord? Why these: —

> That the right of inspection be retained, in order to secure a conformity to the regulations and discipline established in several schools, with such improvements as may be suggested by the committee.

Thereby implying that the original design of the schools is to be kept closely in view. It is clear that it is not intended to introduce any improvement that shall not be entirely consistent with the original designs of the several schools; and I think it too much to say that no improvement of such a nature will be introduced, if, on inquiry and examination, it may seem necessary. For these reasons, I think the right of inspection ought to be retained. The Noble Lord has, himself, acknowledged that where the state does endow any public body or institution, we should be able to say that a proper power of inspection is guaranteed, to insure the fulfilment of the object in view. I think that that could not be satisfactorily done by the exertions of private societies; for unintentional anomalies and irregularities may creep into even the very best of systems. Much as I admire and approve of the general system of operation of the two societies to which allusion has been so often made, I do not think that any one will be found to assert that all the schools connected with those societies are carried on with a proper degree of efficiency and regularity. It is for the purpose of introducing a better method, but, at the same time, in strict consistency with the original design of those societies, that the state is desirous of retaining the power of education; and if it be desirable that that power should be kept in view, and systematically acted upon, I know none upon whom it could more properly devolve, than the responsible Ministers of the Crown, who are the servants of the public,—to whom complaints of every description are naturally carried,—and who,

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if any misappropriation of the public funds shall have prevailed, or be suspected to prevail, will be at hand to give the necessary explanations. The Noble Lord has thrown out sundry objections against the constitution of the committee. Of course, if the persons composing that committee fail to enjoy the Noble Lord's confidence, that is a point upon which he has a right to make up his own mind, but upon which I cannot be expected to concur with him. The Noble Lord seems to think that it would be more fit and proper to have ecclesiastical authorities placed upon the board. In my opinion, it would, immeasurably, increase the jealousies and soreness which are unhappily too rife in the country, if ecclesiastical authorities were actually constituted members of the board. If the Bishop of London, of whom the church is so justly proud, were placed upon the board, Protestant Dissenters might think themselves entitled to the same advantage, and ask to have Dr. Pye Smith, or some other distinguished dissenting divine, placed upon it, also; and after the debate of a previous night, on the subject of a petition purporting to come from the Archbishop of Tuam, it would not be very surprising if a demand were likewise made to place upon that Board of National Education some holder of episcopal jurisdiction *in partibus infidelium*. Let the prelates and pastors of every denomination tender, as organs of the several bodies with which they are associated, such suggestions and advice as they may think best calculated to carry out the common munificent end which all have in view; but do not give them such undue influence as would but prove injurious to the attainment of that object. By adopting this course, instead of the course suggested by the Noble Lord, you will avoid giving rise to those impressions of favouritism and exclusiveness which will necessarily be created if these persons are to be constituted the authorised dispensers of the public funds.

I will not attempt to follow the Noble Lord into the more general view which he has taken of the subject. If Honourable Gentlemen on the other side of the House are of opinion that they can propose a scheme more likely to reconcile conflicting objections, and yet to give as much education as possible, their plan will occasion, on my part, no other feelings than those of congratulation. But, for the present, I shall be content with any beginning, however humble, which will extend the blessings of education, without infringing, in any respect, upon the religious rights and liberties of the people. I confess I am comparatively indifferent to any abuse that may be heaped upon us in the prosecution of such an object. Neither am I so anxious as some Honourable Members seem to be about the particular and specific form in which a vote upon the subject is brought before the House. What I wish is, a system of national education. I desire to have Churchmen better educated, Dissenters better educated, — those whose belief is called orthodox, and those whose belief is called heterodox, — in short, the great mass of the people I want to have educated, in a better and more efficient manner. This is all I desire; for the more any one is convinced of the truth, the justice, and the trustworthiness of his own opinion, the less will he be afraid of any examination or competition; and I must say, if the opinions which I hold to be true are destined to fall, I would rather, infinitely, that they should fall, not prostrate under the mass of undiscerning and brutal ignorance, but under the weapons of enlightened and well-informed opponents. I think that hitherto all parties have been deficient in their duty upon the subject of national education. I do not wish to excite any angry recrimination by reference to what has passed; but I cannot avoid saying that I think that the church, that the state, and that Dissenters generally have been, hitherto, too deficient in their duty upon this subject. I am rejoiced to see a prospect of better things before me, — I am rejoiced to see the competing energies of every party revived, — and I am willing to lend my humble aid on this, as I shall be on every future occasion, to the further development of what I conceive to be a great work of national improvement, and of atonement for past neglect on our own parts.

LORD ASHLEY. — Sir, if I had not before entertained very serious misgivings in reference to the intentions of her Majesty's Government on this most important question, I must say that the speech which we have just heard would be eminently calculated to produce them. The Noble Lord has plainly, told us that not only does he think that the Government of this country ought to exercise a control and guardianship — at present exercised — over the education of the people, but that he wishes that that control and guardianship were more widely extended. The Noble Lord the Secretary of State for the Home Department has withdrawn his first plan of education, and proposed another, which, in my opinion is equally objectionable; for,

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although I do not see in these two plans an identity of language, I clearly distinguish an identity of purpose. They are animated by the same spirit; they tend to the same end; and, if they are not controlled by a vote of this House, they will unquestionably work out the same results. What powers, I should like to know, were conferred, by the first minute, that are not reserved to the Privy Council by the second? The first declared what powers were to be exercised, and the second reserves the optional exercise of those powers. The second certainly does not state, in terms, that a normal school or that a model school will be erected; but is there anything in that second minute to preclude it? Are we not even told, in plain terms, that the first plan — that favoured scheme of Government, and against which the country made so bold a stand — is not suppressed, but only postponed? Are we not told that the Government are only reserving it for further consideration? Has not the Noble Lord expressed a hope that that postponement would not be of long duration? Have we not heard him, a Minister of the Crown, say that he still entertains the same opinions on the subject? That being the case, the Noble Lord, as a man of principle, will no doubt avail himself of the very first opportunity of carrying out that which he considers to be essential to the wellbeing of the community. But it is not the party to which I have the honour to belong, who — alone — are of the opinion that the powers stated in the first minute, and supposed to be abandoned, are still reserved by the Committee of the Privy Council, to be exercised, in all probability, on the first opportunity. Has the Noble Lord read the resolutions which were agreed to at a meeting of the committees of the Wesleyan Methodists held on Monday and Wednesday last, and other Wesleyan meetings of the day? If he has, he must have found that the party on this side entertain no scruples which are not participated in by that class of the community. At the meeting to which I have just alluded, the following resolution was one of a series that were passed: —

That the regrets of this meeting are necessarily associated with feelings of continued apprehension and alarm, when they further learn from the recent "Report," that the Committee of Council have not by any means explicitly and frankly abandoned the plan in question, but have simply withdrawn it for the present, on account of the "difficulties" which they experienced "in reconciling conflicting views;" reserving their original design "for further consideration," and, stating that "they therefore postpone taking any steps" "until greater concurrence of opinion is found to prevail."

I will also quote the opinion of other parties — of persons not supposed to nourish the same apprehensions which are conscientiously entertained by Honourable Gentlemen on this side of the House.

The modified proposition for an educational grant is, it appears, to be disputed as strenuously as if it had continued unmodified. In this there is nothing surprising. Considerable good still remains; and to any good of this description Toryism is opposed. By the proposition, as it now stands, the Committee of the Privy Council will have the right of suggesting improvements in the schools, connected with either the National or British and Foreign Society, which may receive portions of the grant. They will not be tied down to the very absurd rule of proportioning the amount of the Government grant to the amount of private subscription, — a rule which inevitably makes against poor localities, and in favour of wealthy ones, although it must be that in the former the assistance is most needed. In fact, the rule must frequently be the complete inversion of what it ought to be. Nor will the grants be restricted to schools in connection with the two great societies.

LORD JOHN RUSSELL. — What is the authority from which the Noble Lord is quoting.

LORD ASHLEY. — I will tell the Noble Lord presently.

An unfettered discretion is proposed for the committee. They would even be at liberty to make advances to a normal school, should there be one, instituted by Mr. Wyse and the Central Society of Education. Reason does really exist, therefore, for the approbation of certain parties, that education may be both amended and extended; and as there is no counteracting machinery in the proposition, no provision for limiting education or deteriorating it, the conclusion is inevitable, that the improvement and extension of it are the actual stimulus to the hostility already evinced, and that which is threatened.

These are not the observations of a Tory writer; this is the language of a writer who is a chief supporter of her Majesty's Government, — I allude to the editor of the *Morning Chronicle*.

[Laughter.]

The Noble Lord and Honourable Members may laugh at this authority — well and good; — it may suit their purpose to do so, now; but I only quote this as the language of a man of most able and acute mind, who can bring to bear as much intelligence and information upon any subject as any person in this House. I ask then, Sir, what is to protect us against a revival of the first plan? Who is to be the judge of a greater concurrence of opinion? Is there anything in the language of the document itself, or anything

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in the conduct of her Majesty's Ministers, that we can with confidence rely upon? I apprehend not. If the Noble Lord be not disposed to carry out all the objectionable principles of his first plan, why does he not tie up the hands of the committee by a Bill which shall leave no doubt upon the subject, and under which no mischief can arise? Sir, I feel that this is a painful discussion, — a discussion which calls for the most open avowal of opinions, — one which, I must say, was forced upon this House by the solemn nature of the propositions submitted by her Majesty's Government, — and one on which I feel that I must either say what may chance to be unpleasant to some persons in an assembly of mixed opinions, or be silent altogether. I can, however, assure the House, that while I shall speak with all the liberty which I am ready to concede to others on matters of belief, I shall do so with the strongest feeling of personal respect towards every Member in it. I beg to assure the Noble Lord the Secretary for Ireland, that any statements I may make shall not be "mendacious;" and I also assure all Honourable Gentlemen in this House, of a different persuasion from myself, that if I use the term "Roman Catholic," it will be in no invidious spirit, but simply as an appellative distinction, as they themselves might use the term "Protestant" in speaking of the particular faith which I profess, and which I believe to be the true one. Sir, the importance of this subject is too vast and too sacred to admit of suppression or compromise. It involves the control and influence over the youthful mind of the country, and consequently the temporal and eternal destinies of countless millions. The scheme propounded to the House, I believe to be hostile to the constitution of the country; I believe it to be hostile to the established church, — nay, I believe it to be hostile to revealed religion itself. I must certainly admit that it can scarcely be called unconstitutional, — and I do not assert that it is; but a measure may not be precisely unconstitutional, and yet may be very adverse to the constitution under which we live, by giving an exaggerated and undue stretch of prerogative. Her Majesty, for instance, has an undoubted right to call to her advice any members of her Privy Council she may think fit; and they have a right to suggest that advice, and ask a vote of money from the House of Commons to carry that advice into effect. Her Majesty may, if she please, declare war, when war would be very injurious to the country; and her Majesty has also the power, if she see fit, to create an unlimited number of Peers, and to deluge the Upper House of Parliament.

[Cries of "Oh!"]

I merely say this to illustrate my argument, — that though a measure may not be absolutely unconstitutional, it may, nevertheless, be very adverse to the constitution; and to show that the prerogative may be improperly exercised. In this light do I view this Committee of Privy Council. The preamble of the document before the House is by no means in keeping with the rest of it. From the one part of the document, we might infer that the board is purely ministerial, — that they are merely intended to distribute the money granted by the House; but how widely different are the functions assigned them by the rest of the document! The committee is not only to distribute the funds intrusted to its charge, but to invent and enforce new schemes of education. It is to determine not only in what form the people are to be instructed, but what that instruction is to be. It is to say what is the form of belief to be propagated, — what is to be common to all, and what is to be considered special to the few. It is to lay down not only what things are to be taught, but to specify what things are to be taught, and what withheld. It is also to enact rules according to which we are to afford assistance. What enormous powers to confer upon any body of men! and what a precedent to establish for future Governments to follow! True, we are only called to vote 30,000*l.* this year; but there will be no obstacle to our being called upon next year for 1,000,000*l.*, — and that for the purpose of acquiring a dominion over the whole mind of the country. The Noble Lord has not stated why he submits the question in its present shape, instead of a Bill. Does he mean to say that it is one which does not demand the attention of the whole Legislature, or that the opinion of the other House is of no consequence upon such a subject? Surely the introduction of a Bill would have been a course more consistent with the sacred importance of the subject, inasmuch as it would be sent to the House of Lords, — the only place where the church is represented, — and there receive the benefit of their Lordships' deliberation. Shall it be said that we send up a Railroad or a Turnpike Bill, or any measure of minor importance, for the sanction of the House of Lords; and that yet, in a matter of such vast national

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importance as this we simply ask for a money vote, — thereby facilitating the passage of that which would be rejected by the other House, and which has been objected to by the community at large? It is next to impossible to enumerate all the objections that exist to such a course of proceeding, and to such a scheme. You will establish a precedent which, in other times, and with a another Government, — I do not speak of the present Government, — may lead to measures injurious, nay, destructive, to the constitution. It is in this view that I consider this plan hostile to the constitution.

Sir, I likewise consider this plan hostile to the church; for, by it, the church will be deprived of all superintendence over all schools which shall accept the grant from Government. Almost all the new schools, and, probably, half the old ones, will require such assistance; and from these the superintendence of the church will be excluded, or, if admitted, it must be so, in conjunction with the state inspector, — which amounts to virtual exclusion. Thus, according to this plan, the funds of the state are to be employed against the church; and, surely, if you refuse to aid the church with the funds of the state, you are at least bound to take care that those funds shall not be devoted to purposes which would be prejudicial to her very existence. Then, by your system of normal schools, you propose to train up a body of masters, each in his own tenets, although it is perfectly well known that many of those tenets are irreconcileably hostile to the Church of England! Thus the established church is placed in this position; — she must either consent to part with the superintendence of her own schools, by accepting the grant; or she must forego the grant altogether — and thus present the anomalous spectacle of being the church, recognised by the state as the national establishment, and yet being the only body precluded from sharing in the national benevolence. And thus the bench of bishops are completely set aside by this Committee of the Privy Council, and the church is compelled to resort to voluntary assistance. In this way the Dissenters, who adopt the conditions, will obtain the whole benefit of the funds intended for national education, and the church will be prevented from taking any part in superintending her own schools. This constitutes the whole difference; for, if the inspection which is demanded is to be such as the Church of England annot accede to, will it not be most unjust, as regards the church, to insist upon it? According to the minute, the terms of which are wide and undefined, the Committee of the Privy Council are to have the power of making all regulations for the discipline of the schools, as well as of suggesting any improvements in the system which they may see fit. What those improvements may be, is a matter totally undefined, and no limitation is placed upon the power given, in this respect, to the Committee of the Privy Council. It has been said that these improvements will not alter the discipline of the schools; but, certainly, that does not appear from the words of the minute itself. We have no guarantee on this subject; and I will only say that I have no more confidence in the opinion of the Government, than I have in the system of education now proposed. The Noble Lord opposite, the Member for the West Riding of Yorkshire, has told us that the powers granted will not be abused. With every possible respect for the declarations of that Noble Lord, I must be allowed to say that the speeches of a Member of this House do not afford the species of guarantee to which the country is fairly entitled. It is for this reason, as well as on many other grounds, that I must say we are bound to guard ourselves against giving to any body of men a power so unlimited and so indefinite — a power which may be applied to purposes most destructive to the national religion of this empire. I am told that the present vote may be made annual. True, it may be: but I beg to remind the House that the present Session is drawing to a close; that many months may elapse before Parliament again assembles; and that, within that period, an incalculable amount of mischief may be perpetrated, — seeing how completely without control the operations of the board are to be left. Who are the parties who are to exercise those powers? Are they men who are fit to deal with the Holy Scriptures? The subject with which they are called on to deal, is one beyond their grasp and comprehension; at all events, it is one for which they are fitted by neither station nor education. But suppose the church shall prove unable to accede to these conditions, as is known to be the case with respect to the Wesleyan Methodists; what must be the result? Why, that the whole fund at the disposal of the Committee of the Privy Council — that the whole grant of 30,000*l.* — will go, not to promote the doctrines of the national church, — not to promote those doctrines in which the Wesleyan Methodists con-

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cur with the church, — but, in support of schools established by persons belonging to the Roman Catholic faith, or by Socinians, — by persons of no faith at all, or of that party-coloured piebald faith which distinguishes the Central School Society. This must clearly be the result; and hence it is that I think the minute reprehensible, when it lays down, in such vague and indefinite terms, a plan that renders it impossible for two of the largest bodies in the country — bodies which comprise eight tenths of the religious community of these realms — to accept a single farthing of the grant under such conditions.

Now, when we consider this, have we not a right to inquire what is the guarantee that the members of the new board are to be members of the Church of England? I look not at the present, only, but to the future; and I am led to make these observations, because it does not appear that the members of the board must necessarily be, also, members of the established church. When I reflect on the gravity, the importance, the holiness, I might say, of the functions with which this board is invested, — when I consider the enormous power placed in their hands, to establish model schools, normal schools, appoint chaplains and rectors, superintend the reading of the Scriptures, lay down rules and regulations, and, in short, exercise undefined, unlimited, and unprecedented authority, — how extraordinary, how reprehensible does it appear, that, to advise on all these high and momentous matters, there is no one bishop, no one representative of the episcopal bench, no one representative of the church government under which we live — included in the board. All these things have been left to laymen, — in matters, too, where it was almost inevitable they should have very little experience, and certainly no sound and accurate knowledge. I now come to the model school. The model school, according to the Noble Lord, is to be a single school, and not subject to imitation. If this be so, I should like to know what the Noble Lord means by "a model" school? Unless it be intended for imitation, how can it be a model school? and is it not perfectly clear that, if such a school were established, it would be imitated in Birmingham, Manchester, Liverpool, and other large towns? This is evident from another paragraph of the minute, which says that the Committee of the Privy Council shall have power to appoint licensed ministers to give religious instruction, whenever the children in the model school exceed a given number. From this it is evident that model schools will be set up in all the great towns. The word in the minute is not "whenever," but "wherever," — a distinction which I think most material. It is obviously intended, that, in whatever place a model school is set up, the board shall have the power to appoint a licensed minister. I regret the unlimited discretion left in the Privy Council as to the distribution of the funds. The effect of this, in but too many cases, will be to give encouragement to those bodies who manifest a lack of zeal, at the expense of those whose zeal is the most distinguished. It is cherishing dissent at the expense of the church; and it will support, out of the public funds, many sects, who, without such support, would either fall to the ground, or become absorbed in some body of the established church. I object, also, to the whole education of the country being placed in the hands of men of strong political bias and connections. That upon which their power is to be erected, proves a subject of the very gravest importance, — it is nothing less than an alteration in the whole mind of the country; and why, I would ask, are the Committee of the Privy Council to have the power of aiding dissent by establishing schools for the use of sectarians, wherever they were themselves unable or unwilling to do so, — and that, too, at the expense of the state? Is it, I ask, fitting, that political men should be intrusted with such power in relation to matters affecting, in the very highest degree, the temporal, and even the everlasting, condition of the people committed to their charge? Sir, I look with the greatest apprehension on this *Hydra*. I cannot but apply that term to the wild scheme before the House; though I should be the last man in the world to use such an expression in reference to genuine education, — to that which I regard as the first duty, not only of public men, but of every man in private life, — the contributing to the temporal welfare of one's fellow creatures, and the aiding them in the attainment of everlasting felicity. The House is called on, this night, to affirm a new principle in the history of this country and of its church. They are called on to affirm that every man has a right to be trained, at the expense of the state, in the faith in which he was born.

[Cries of "Hear, hear!"]

I am glad to ascertain by that cheer from the Government, that this is really the fact; and that the principle countenanced by their cheer is, in fact, contained in the two minutes, particularly in

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the second minute. If, then, every man is to be trained, at the expense of the state, in the faith in which he was born, why is this not avowed in explicit terms in the minutes? What, too, is the meaning of the limitation expressed in the first minute, — "that, after children attending the model school shall have attended for a certain period, then, and then only, shall they have the benefit of a licensed minister to train them in spiritual matters?" If this be the principle avowed by the Government, it goes to recognise, for the first time, the doctrine that all forms of belief, and that the ministers of every denomination, are equal in the eye of the state, and equally to be maintained by the state. The Noble Lord opposite seems to dissent: perhaps he will show me the distinction between this statement and the principle admitted by the Noble Lord's cheer ——

LORD JOHN RUSSELL. — I merely meant to intimate that I was not one of those who cheered the Noble Lord.

LORD ASHLEY. — Far be it from me to show up any dissension which may exist between Ministers sitting in the Committee of the Privy Council. But this, at least, is clear; — that a more crude, and I must say ignorant, proposition never was submitted to any assembly, than that which we are now discussing; in proof of this, I have only to refer to the fact, that the two Ministers of the Crown who are to form one half of the whole Board of Privy Council, sitting side by side in this House, give each other the most flat contradiction on the subject. I have no doubt the dexterity of my Noble and Right Honourable Friends will enable them to reconcile the difference between them; but, certainly, they now appear to me "wide as the poles asunder." This affords another proof, however, that a scheme of this sort, affecting the temporal government of the church and the spiritual interests of a large body of the people, should not be discussed and disposed of, on a single vote. The subject ought to have been submitted, in the shape of a Bill, to the deliberate and serious consideration of Parliament, after an opportunity had been afforded for fairly canvassing its merits throughout the country at large. It is true that the country has already, up to the present moment, expressed its opinions openly and most vigorously upon this subject; but Government, having in the mean time propounded a modified scheme, they assume that the hostility which has been manifested was directed against the former, and not against the present, measure. The fact is, the people of this country understand the two schemes to be identical; and my firm conviction is, that as great opposition will be brought to bear against the second plan as was manifested against the first. Yet a little time, and the country will call with one unanimous voice for the destruction of this moustrous anomaly — this hideous chimæra of the Committee of the Privy Council.

[Cries of "Order, order!"]

It is not often in the course of the Session that I address the House; and nothing, I solemnly assure them, but the deep and conscientious conviction which I entertain, could have induced me to come forward at all on this subject. But, having undertaken to do so, I cannot refrain from declaring the whole of what I feel, and of the opinions which I most seriously entertain. I say, I cannot help saying what I feel; and by God's blessing I will do so. It is my solemn belief that this plan of national education is hostile to revealed religion itself. It is not necessary for my purpose to charge the Members of the Privy Council with that intention. I do not so charge them. I would not charge them, or any body of men, unless I knew the fact, with such an awful intention. But I speak of the plan as it comes before me; and that is my solemn and deliberate conviction. It is not only my conviction, but the conviction of nine tenths — I might say ten tenths — of all those with whom I have conversed. And this I say, having conversed with men of all ranks, of all turns of thought, and of various sects. In the Government plan it is proposed to divide religion into general and special. What is the meaning of that? Was there ever such a thing known? — and to be put, too, in the very frontispiece of a system of national education! It is no less than a disjunction of the most sacred truths; and I say, "what God has joined, let no man put asunder!"

[Laughter.]

Sir, I will not be put down by a laugh. I say it with great deference to the Gentlemen who think fit to laugh, that if they laugh at such a subject as this, they do not represent the people of England. I do not believe that you could get together ten thousand persons in Palace Yard who would receive with contempt a religious sentiment. I repeat, that this division of religion into general and special is a disjunction of sacred truths; and

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where do they find it? What is their authority for making it? What right has the Committee of the Privy Council to put, in the frontispiece of a system of national education, a distinction that does not exist? Where do they find it? Do they find it in the primitive fathers? Do they find it in the founders of the reformed church? This distinction does not exist in any writer that I know of. It does not exist in the Bible itself; nor can it be proved from anything in the sacred volume. The discovery was reserved for the crude, and I must say presumptuous, analysis of the Committee of the Privy Council. It is said that religion is to be combined with the whole matter of instruction. Is it the general or special religion that is to be so combined? Can you answer that question? Do you mean, when you use the term religion, a part or the whole of religion? What right have you to withhold any part of the word of revelation? By this division of general and special, you may include every, or exclude any, religion. You may include the Deist, who takes the religion of nature. You may exclude every single form of faith, by rejecting their specialties. You separate doctrine from precept, and destroy the sanctions of the precept by suppressing the doctrine. You would teach children that moral precepts are of great value, because they are of universal application; and you would likewise teach them that doctrine is of inferior value, because it is necessary only for a few: — that is the principle laid down. You cannot escape from the conclusion, that what is necessary for all, must be of more value than what is necessary for only a few. You declare that general religion — by which, I suppose, you mean moral principles — is superior to special religion, by which you mean the special doctrines and peculiar truths of the Gospel. In a letter which has appeared in the papers from Doctor Kaye, and which, I suppose, from the situation held by that gentleman, must be supposed to be official, there is a most infelicitous example of what is meant by general religion. The writer quotes the Sermon on the Mount as an illustration of what is meant by general religion. Was there ever a more unhappy instance? What is the value of the Sermon on the Mount? Whence does it derive its sanction and authority, but from the person by whom it was spoken? If, in teaching the children, you suppress the character of the person by whom it was spoken, or undertake to teach children, as you are about to do, by special ministers appointed for that purpose, — that the character which that person assumed, and which nine tenths of the people of England attribute to him, was not his true character, — how can you, in such case, put forth the Sermon on the Mount as an instance of general religion? We are told in the Epistle to the Hebrews that it is the privilege and peculiarity of Christianity that it was a faith, — a doctrine, not delivered by a secondary person, nor by a prophet, but from the very mouth of the Son of God himself. The instance which Dr. Kaye gives of general religion is, of all others, calculated to show the inevitable necessity you are under, if you would have children grounded in their faith and in the truth of the Gospel, of pointing out to them the specific, unmistakeable character of the person who, in delivering the Sermon on the Mount, gave validity, and the only validity, to the precepts it contained.

Now, I do not believe that her Majesty's Privy Council had any right to give its sanction to such a document as that to which I have alluded. When I say right, I do not mean constitutional right, — but I mean that, in consideration for the feelings of the great majority of the people in this country, they were not justified in issuing such a document. It is a document in direct opposition not only to the feelings of the established church, but in opposition even to the feelings and wishes of the Wesleyan Methodists. In the model school which is to form part of the proposed normal school, this distinction of religion into general and special is to take place; and when it is objected that religion is not to be taught in this school, the objection is met by a reference to the clause in the minute, which states that religion is to be combined with the whole matter of instruction. But I ask, again, what kind of religion can you teach, if you abstain from teaching any special creed, and from enforcing any special doctrine? If the children are to be taught this general religion together and in open school, and then to be taken asunder for special instruction in the tenets of each, can that system have a beneficial effect upon the children? Can it be beneficial to them to be told, so early in life, that religious opinions are so shifting and varying, — that some may be taught one thing and some another, — that there is no certainty whatever, — and that the instruction given in one place is the reverse of the instruction given in another? I will imagine a case which might easily occur. I will imagine three children sitting side by side, — one a member of the Church of England, another a child of Socinian parents, and the third a child

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born of Jewish parents. Let those three children read together in school, during the time of general instruction, some particular portions of the Bible,—suppose the 53d chapter of Isaiah. Let those children be taken away immediately after, for the purposes of special instruction, to be received by each from his own minister. What would be the effect on the minds of those three children? The child of the Church of England communion would learn the great, necessary, and saving truths in which nine tenths of the community agree. The Socinian child would be taught that what the Church of England child was required to believe was a gross error,—namely, that the person to whom that prophecy referred was, in fact, no better than a mere man. But the Jewish child would be taught to believe that the whole thing, from first to last, was an absolute imposition. It is impossible that these children could think any belief, established or certain. The result must necessarily be universal scepticism, or a universal belief that there was nothing necessary — nothing certain. It is a new thing for the state to undertake to teach contradictions. If the state refuse to teach the true doctrine, it certainly is not at liberty to teach what it believes to be false. What a spectacle will you present to the eyes of the civilised world, if, while you support the established church because you believe its doctrines to be true, you set up Socinian teachers and Socinian schools, to controvert and overthrow the doctrines and opinions entertained by that church? A Noble Friend of mine in this House once asked me, "What is truth?" That question might be asked in any country but this, or by a man who professed to belong to no creed; but how a man professing to belong to the established church of England could ask what was truth, is to me a wonder. Perhaps it was a flourish rhetorical; but, even as rhetorical, it was a question which no member of the Church of England had a right to put. The state adopts the Church of England as the true church; and if it do not enforce her tenets in education, it has no right to countenance those of other professions. Sir, I have no authority to speak for any but myself. But I know the sentiments of a great many of my fellow countrymen; and I am perfectly satisfied that I express their opinion in saying, that if the state will not teach truth, it is far better that it should not teach anything at all. I cannot understand on what principles the state should undertake to teach what it knows and declares to be false. It would be far better that nothing should be taught, than that error should be propagated, and that the Church of England, established by law, should be called upon to preach from her pulpits the great, saving, and necessary doctrines of Christianity, while the state should, at the same moment, establish ministers in her schools to controvert, and, to the utmost of their power, to overthrow, those same great, necessary, and saving truths.

Another difficulty connected with this system must arise from the various versions of the Scriptures which must be admitted; because, if permission be given to use the Popish version, it cannot well be refused to the Unitarian version. It has been said by Dr. Kaye, that no harm would accrue from this part of the system, as the Romish version of the Bible would only be given to the children when they were placed in separate apartments, according to their creed. Now the minute says, that a portion of every day is to be devoted to the reading of the Scriptures in the school, under the general direction of the committee, and superintendence of the rector; and, further, that Roman Catholics, if their parents or guardians require it, are to read their own version of the Scriptures, either at the times fixed for reading the Scriptures, or at the hours of special instruction.

How, then, can it be asserted, after the alternative so expressly laid down in this paragraph, that the reading of the Roman Catholic version of the Bible is only to be permitted at the hours of special instruction? There are a great many objections to the reading of the Roman Catholic version of the Bible, which I deem it unnecessary to mention on the present occasion; but the very circumstance of having conflicting versions of the Bible in the schools — as, for instance, the Unitarian version, in which parts are struck out as apocryphal which we deem authentic, and the Roman Catholic version, where parts are introduced as authentic which we deem apocryphal — must, of necessity, lead to the most injurious consequences. Again, it appears from the minute, that the normal school, to the establishment of which I have many objections, is only to be postponed for a time. The Noble Lord, the Member for the West Riding, has stated, most distinctly, that he considers the normal school of the greatest importance; and that, in his opinion, an appropriation of the public funds to its support is highly advisable. Now, the model schools naturally follow the establishment of the normal school, and they are so connected with each other as to be inseparable. Let the House, then, look to the qualification of the teachers. It is stated, in the mi-

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nute, that "the religious instruction of the candidate teachers is to form an essential and prominent element in their studies." That immediately raises the question, "What is that religious instruction to be?" Are we to understand that persons of all religious denominations are to be taught alike at the expense of the state? Are we to understand that Roman Catholics and Socinians are to be trained and fostered at the expense of the state, to enter, hereafter, as teachers of their respective doctrines, into schools licensed and supported by the state? It appears, from the minute, that "no certificate is to be granted, unless the authorised religious teacher previously attests his confidence in the character, religious knowledge, and zeal of the candidate whose religious instruction he has superintended." Hence it is evident that, unless such a certificate be granted, every candidate must be rejected. What would this lead to? That all conflicting opinions would be so entirely impressed on each sect, that any one teacher who might exhibit the possibility of his deviating into truth would be rejected by the committee. The day schools must necessarily be constructed of all sects, to afford the teachers an opportunity of practising their skill; and when that skill is exercised, what a picture will be presented to the country,—what a Pantheon will be erected in the midst of it! But why is all this necessary? Why do you wish to change a system that is already working well? The Church of England is charged with bigotry, exclusiveness, and monopoly, because she resists the scheme proposed by the Government. Why is she to be charged with bigotry, when, if she accepts that scheme, she must surrender her own principles? Why is she to be charged with monopoly, when she asks for no grant,—when she makes no demand for assistance? Has she desired any scheme of national education? No; all that she has asked for, and all that she now asks for, is, that, if you are determined to establish a system of national education, it should not be one that is conflicting with her doctrines. Why is she to be charged with exclusiveness? Has she protested against the distribution of the 20,000*l.* annually granted for the purposes of education? Was that sum given to her friends exclusively? No; she has consented that other sects should receive some of the contributions of the state,—and, in so doing, she has abated something of church principles; but she does protest against any abatement of those religious principles which she deems essential and of vital importance to the best interests of man. And when the clergy of the established church are charged with being indifferent to the progress of education, and with not having done anything to forward it, will those who make such charges allow me to state the results of the inquiry I have made, as contained in the last Report of the National Society of London, which proves them most satisfactorily. In that Report is the following statement:—

> The society has, by grants from its own funds to the amount of 120,659*l.*, directly aided in the erection of schools in 1553 places, to the extent of two or three schools each in most of the parishes so assisted, and trained at its central school in London 2695 teachers. The number of schools actually united to the society is, at this time, 6778, which contain 597,911 children; whilst the total number, supported wholly or in part by benevolent individuals for the instruction of the poor in the same principles, amounts (as ascertained by the last inquiry made by the National Society in 1837) to schools, 17,341; scholars, 1,003,087."

It must be borne in mind that the sums granted by the National Society from its own funds are exclusive of the Government grants; so that the whole amount of grants, which have been distributed through the National Society, for building schoolhouses alone, in twenty-eight years, since its establishment, amounts to 190,781*l.*

You may find fault with the mode of instruction; but I think you must admit, after this statement, that the Church of England has made great efforts to impart to her members improvement on subjects of vital importance both in this world and the next. You may find fault with her pride; but you cannot deny that she has given to her members a sound moral and religious education. What, then, is the time which her Majesty's Ministers select for bringing forward their plan? It is precisely that time when the church has made the most unprecedented efforts, and has introduced large reforms in the mode and matter of her instruction,—just at the time when she has made an appeal unprecedented in the history of the country,—just at the time when she is carrying its action over all the length and breadth of the country. I will not enter further into the statement of what she has done in this respect, and of what she is capable of doing; for I trust that that task will be undertaken by my Noble Friend the Member for Somersetshire (Mr. Acland), who is most competent to discharge it. Neither will I detain the House by inquiring, further, whether it is fit that the revenues of the state should now be employed in maintaining and supporting that which is hostile to her interests? I will only ask the Noble Lord

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why he persists in urging this motion against the feeling of nine tenths of the people of England? What is his end in so doing? Success is hopeless. The Noble Lord may carry his vote in this House, but he must see that he will not be able to execute his plan elsewhere. He may obtain a triumph, a mere insulting triumph, over the feelings of the people of this country. But what say the resolutions of the Wesleyan Methodists? Are not those resolutions as strong as — and even stronger than — any of the language which I have, myself, used in addressing the House in opposition to this motion? And will the Noble Lord altogether set aside the feelings of those excellent and exemplary men, who, though they differ little in faith from the church, yet, in ordinary times, stand aloof from her, but who, nevertheless, have manfully come forward in her defence, in this crisis of her danger? For it cannot but be borne in mind that, in this late movement of the Wesleyan Methodists, they have exhibited a degree of generosity which reflects on them the highest honour. By the first minute, the Wesleyan Methodists could have had no share in this educational grant; by the last minute they are brought within its conditions. They have, however, generously discarded all views of private interest; for they see that, if they do not shut the door at once against abuses, they will be opening a path to error, which they may, perhaps, never have the opportunity of closing hereafter. This ought to be known, to their great credit, — for it shows that they are acting, not from party or political motives, but with the most perfect sincerity and disinterestedness, from the most exalted motives which can adorn and dignify human nature. I therefore now give notice, that, if it should be deemed advisable by her Majesty's Ministers to revert to their first minute, I will move an Address to the Crown, praying that the Wesleyan Methodists be admitted within the terms of the grant as a third society. Let me ask the Noble Lord whether he doubts the intentions of the Church of England at this moment? The Noble Lord may call its conduct bigotry and fanaticism; but I maintain that it is the solemn sentiment of a nation, and, as such, entitled to respect. Would the Noble Lord force his plan upon the country? That would be persecution; and the more ridiculous, as it would be undertaken to carry out principles which, as members of the established church, he must deny. I recollect, well, the time when the Dissenters petitioned for the abolition of church rates, on the ground that they ought not to be called on to support a church in whose doctrines they did not believe. The Dissenters, on that occasion, pleaded conscience; the Government allowed their plea, and proposed a remedy for what was called a grievance. It was, however, left in a minority; but its proceeding, though unsuccessful, ought not to be forgotten. It proposed to do away with an impost which had existed for 800 years, and under which all the landed property of the country had been taken by its present owners and occupiers. Now, Government propose to force on a large majority of the country a novel tax, for the purpose of giving instruction in creeds which they consider to be unscriptural and false; and which they declare to be repugnant, not only to the feelings of the church, but also to their faith and religion. I know that, in making these remarks, I expose myself to the charge of illiberality and bigotry. I regret it; but I could not, for any consideration, consent to abate the expression of any one of the sentiments which I have avowed this evening. I have no objection — on the contrary, I am most anxious — to receive any plan which shall tend to the moral advancement of the people of England; but I never will consent to a plan that will sever religious from secular education. No; I will risk any obloquy, I will dare any contempt, I will incur any hazard, I will put in jeopardy any one thing in this country, rather than, by departing from the true and simple faith of the Gospel, assent to a system of religious education which would inculcate the worship of saints, or deny the validity of the Scriptures.

Mr. HAWES. — Of all the great questions which have been debated since I have had the honour to hold a seat in this House, I do not consider that one of them has involved a principle of higher importance than that which is now before us. It has come to this issue, — I rejoice to see that it has come to this, — for the vital principle of religious liberty is now at stake; and now it is, that all who are determined to abide by the principles of the equality and impartiality of religious liberty throughout the country should give a hearty and steady support to the proposition of the Government. This great principle was recognised by the Toleration Act; it has more recently been enforced in the repeal of the Test and Corporation Acts; and, still more recently, by the passing of the Catholic Relief Bill. If anything more than another could give me pain, it is to find such a subject intro-

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duced to the notice of the House with so much bitterness of feeling — with such intensity of uncharitableness — as have marked the speech of the Noble Lord the Member for North Lancashire. I own that, from the Noble Lord, I expected — and I had a right to expect, notwithstanding his present political associations — that a far different course would be pursued; for, short as has been my experience in this House, yet it has been sufficiently long for me to be able to remember with what satisfaction I listened to the Noble Lord, in a speech upon this very subject, distinguished not less for its eloquence than for its liberality, and in which he advocated principles that I entertained in common with himself, but which the Noble Lord seems to have forgotten in the debate of this evening. When, then, the Noble Lord began taunting the Noble Secretary for the Home Department with the facility with which he slips away from the various plans which he proposes ——

[Cheers from the Opposition benches.]

— then the Noble Lord may permit me, with all humility, to say, that I should much prefer to bear the accusation made against him of slipping away from a plan or two, than slipping away from all the great principles which he had once professed. I well remember when the Noble Lord opposite made a most eloquent speech on this subject, — one that is so fresh in my mind that I can instantly turn to the page in which it is recorded, in order to remind the Noble Lord of the great and enlightened principles which he once entertained with respect to education. The Noble Lord may be assured that the extract which I beg leave to read is from a speech of the Noble Lord which does not refer to Ireland, — I am coming nearer home, — it was made by the Noble Lord with respect to the admission of Dissenters into the Universities in England, and the system of education to be adopted in those institutions. The Noble Lord showed the manner in which effect should be given to the principle to be enforced in education. That which I am now about to read I am ready to abide by. They are the words of the Noble Lord, who then spoke of the effects of one common system of education, and who thus describes them: —

By bringing into one common system of education, and that not an irreligious system, all the various classes of Churchmen and Dissenters in this country, you will sink religious rancour and animosity, and establish in the minds of the youth of all sects and persuasions, a bond of harmony and friendship which the struggles and vicissitudes of after life will not be sufficient to break, and which, to the community at large, will be communicative of the greatest benefits and advantages.

Now, having read that extract, I should much like to know how all classes of Churchmen and Dissenters are to be thus united by any system of education which stands exclusively upon a creed or a catechism. But the Noble Lord continued, —

I am most anxious to afford the established church every protection and support which can and ought to be given to it consistent with justice to all classes of the subjects of this kingdom; but of this I am confident, that it will not be best maintained by keeping up a system of injustice and exclusion; and, if I may be allowed to express an opinion on the subject, I will frankly say that, in my mind, the main cause of the spread of dissent has been occasioned amongst the lower classes by the insufficiency of the education and religious instruction with respect to the tenets of the established church, and amongst the higher classes by that strict line of exclusion which those who are desirous to protect the church have drawn around it. I am satisfied that, if you intend to attach particularly the higher classes of Dissenters to the established church, you can take no more effectual course to attain that object than by giving them a full participation in the same civil privileges, and admitting them to the fullest, freest, and most unreserved intercourse with the members of the Church of England in our general and national institutions.

Now, I should wish to know whether any feature can be more strictly consistent with the Noble Lord's views than that which marks the plan proposed by the Noble Lord the Secretary of State for the Home Department, — a scheme by which Churchmen and Dissenters will be educated together, and taught to forget the points of difference between them, and, if possible, to prize those in which they agree? The Noble Lord professes to admire, very much, that plan by which the Treasury heretofore allotted sums to different school societies in proportion to the sums subscribed, by private hands, to each. I now wish to ask, is it just that the wealthiest and the largest societies should receive the greatest portions of public bounty? If all contribute to a common fund, ought not all to participate in its common advantages? No, says the Noble Lord; there may be some district marked by poverty and dissent; and in that district, where a large sum ought to be expended, it is ruled, according to the plan praised so highly by the Noble Lord, that such district shall be especially excluded from the blessings attendant on education.

We now come to consider the plan proposed by the Government; but I must first allude to the gross misrepresentations which have gone abroad with re-

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spect to this plan. There have been the grossest misrepresentations adopted with respect to it — so gross and so false, that I cannot believe that they are perfectly free from wilful deception.

[Laughter.]

I perceive two Honourable Members opposite who seem to be exceedingly amused at this: to them it has certainly been of singular advantage; and it is in proportion to the amount of misrepresentation that has been employed, that they have received support. Discussion, however, has at length taken place on the subject; and the longer it prevails, and the more general it becomes, the better; so that at length this question, I believe, will be one which Honourable Gentlemen opposite will be the last to face in this House. In the borough which I have the honour to represent, and whence several petitions have been sent to this House, I shall just give the House a specimen of the manner in which persons are induced to sign petitions against the Government plan. This is a hand-bill.

[Cries of "Oh, oh!" from the Opposition benches.]

Yes, but it is most authentic and most official; for it is signed by the churchwardens, and it is put forth as authority and information which are intended to be conveyed to the people, and to guide them. The Bill is to this effect: —

We, the undersigned, severally churchwardens, take the liberty of directing the attention of the parishioners to a scheme about to be brought before Parliament, which has for its ultimate object the introduction of mutilated Bibles, and Romish and Socinian catechisms, into every National School in the kingdom.

Now, if it had been said that it was intended to turn the British and Foreign schools into Socinian and Romish schools, it would be something to be believed; but when they say that the object is to introduce Romish and Socinian Bibles into national schools, no human being can be so credulous as to believe them. As to the British and Foreign School Society, I may say that Honourable Gentlemen opposite have stigmatised the dissenting body with an indifference to religion; but I now ask, are they less careful in matters of faith, or less firm in their Protestantism, than members of the established church? I rather think that among Protestant Dissenters are to be found the true principles of religious liberty; and they have stood up, on many occasions, to vindicate the rights of Protestantism, when members of the Church of England have slumbered at their posts. The Government plan, at least, is marked with the just and generous features of religious liberty; and embodies the great principle, that the public money levied under its provisions shall be impartially applied for the benefit of all her Majesty's subjects. I have never read any public document with so much satisfaction as that which has been laid on the table of this House respecting education, by the Noble Secretary for the Home Department,—and on the authority of which, the sentiments of her Majesty, regarding education, are conveyed to the people of England. On this subject, the letter states, "I need only say that it is her Majesty's wish that the youth of this kingdom should be religiously brought up, and that the rights of conscience should be respected." Now, I ask Honourable Gentlemen opposite, do the national schools respect the rights of conscience? Are not the conditions insisted upon, that the creed and catechism shall be learned, and that there shall be attendance at church? I am glad that the question has been brought to this issue. Fortunately, we have now come to a period when the Crown and the people are on the side of the just principle — the rights of conscience. But I do not fear the result, if you only give time for further discussion. Sir, I find that, upon all sides, education is regarded as a subject of the first importance. To me, then, it is rather melancholy to reflect, when I look at the tables of crime in this country, to find that education and instruction have been as little forwarded, as the diminution of crime is little remarkable. A heavy responsibility, therefore, is incurred by those who shut the door of the school-house against a large population, while they are quite ready to pass stringent laws to punish any deviations from rectitude, which, in a great degree, are the result of ignorance. When I turn to the criminal returns made to the Home Office, I find that, in the degrees of instruction or ages of persons prosecuted last year, there appears but little change, as compared with those of the preceding years. I find, from the criminal returns of last year, that persons entirely uninstructed, or so badly instructed as only to read and write imperfectly, made up three fourths of the whole number convicted. I must say, then, that it is a most melancholy thing that we should be discussing questions about systems and plans, and wrangling about the privileges of this or

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that sect, while crimes continue to increase at such a fearful rate in this kingdom. I did hope to hear, in the course of the evening, from Honourable Gentlemen opposite, the value of education discussed apart from peculiar religious tenets. I have, however, heard nothing from the other side of the House but this cry, "Let us take care of the established church, and let crime continue just as it is."

[Cries of "Oh, oh!" from the Opposition benches.]

I say this distinctly. If Honourable Gentlemen opposite mean to shut the doors of their schools upon all who differ from them in religion, what a fearful increase will not their proceeding give rise to in the amount of crime, on the part of those excluded? The Noble Lord who last spoke has taken great pains to show that this plan is unconstitutional.

LORD ASHLEY. — I beg to be allowed to explain. I drew a distinction. I said that it was hostile to the constitution, and not that it was unconstitutional.

[Cries of "Oh!" and laughter from the Ministerial benches.]

Mr. HAWES. — I will take the Noble Lord's own words. The Noble Lord, then, did say that the present plan was hostile to the constitution. At all events, let us understand this,—that the placing of education under the control of the Executive, for the equal and impartial diffusion of knowledge amongst the people, is by Honourable Gentlemen opposite considered hostile to the constitution.

[Loud cries of "Hear, hear!" from the Ministerial benches.]

I admit that it is indeed hostile to the old Tory constitution. Ay, and I believe that there is a feeling of hostility on the part of the people towards that old Tory constitution. When the people have a little more knowledge——

[Cries of "Hear, hear!" from the Opposition benches.]

—knowledge of which the Noble Lord and his friends cannot now deprive them — they will very soon replace that old constitution by something much better and more substantial. The Noble Lord (Lord Ashley) also says that rather than the state should not teach the truth, it would be better to teach nothing at all. I should like to know by what high authority the Noble Lord is to ascertain the truth? I should like to know how it becomes any member of a Christian church to say, "I alone am in possession of the truth, and all who differ from me are wrong?" I could quite understand such language proceeding from the Pope.

[Cries of "Hear, hear!" from the Opposition benches.]

I can quite understand such language coming from the Vatican. I mean no offence, — I should be ashamed, either in word or thought, to offend any human being; and although this sentiment may be met with a jeer and a laugh from Gentlemen opposite, I am not ashamed to avow it. I say, then, that I quite understand that this sort of language may proceed from the Vatican; but how it can proceed from an English Protestant, whose faith is founded on the Bible, and connected with the right of private judgment, I cannot understand. How this language can be reconciled with the good old doctine of Protestantism, as I have read it in the old Divines of the English church, I am utterly at a loss to conceive.

[Cries of "Hear, hear!"]

I feel sure that the Noble Lord must have dipped into a system of theology, of late, that partakes more of Romish than Anglican doctrines. The Noble Lord is understood to say that the present plan works well. I want to know the difference between the plan that is now acted upon, and that which is really before the House. The Noble Lord who last addressed the House, and the Noble Lord the Member for North Lancashire, in some of the more effective and biting portions of his speech, took especial care to confound both plans; and, indeed, I cannot believe that those Noble Lords are very anxious to draw a clear distinction between them. The Noble Lord the Secretary for the Home Department has undoubtedly been driven from his first scheme. I am sorry for it. I regret that the present plan is not more acceptable, and still more divested of everything like a sectarian character, — because under this plan a Jew, for example, must be refused education; and I know no reason, under a national system of education, why we should exclude any one of her Majesty's subjects on grounds of mere faith. I should be glad to know from any one of the great advocates of national education, upon what grounds and principles he would exclude a member of any church? Great efforts have been made to show that the system of education pro-

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posed is altogether divested of religious instruction; but how any person can candidly and fairly read the minutes of the Privy Council, and the papers that have been laid before the House, and come to the conclusion that the Government plan is deficient in this respect, I cannot imagine. No doubt it is a matter of extreme difficulty to take any line that shall reconcile the great and contending opinions of religious parties. The effort has, however, been made, and it has failed.

[Cries of "Hear, hear!" from the Opposition benches.]

It has failed, certainly, from the union of the high church party and its new allies, the Wesleyan Methodists; but it remains to be seen, when the question has been more discussed, and is better understood, whether the great body of the Wesleyan Methodists will be disposed to be dragged at the wheels of the church? What is the difference, then, between the present plan and that which has been acted upon? The present plan is nothing more than a continuance of the plan upon which the Government has acted for some time past. I speak the sentiments of a very large body, — I believe I speak the sentiments of the great majority of those whom I represent, — when I say that I am thankful to the Government, and rejoice to find that upon the question of education they have come to an issue upon these grounds; and I believe that, by standing up manfully in support of a sound system of national education, the Noble Lord below me will do more to attach the Liberal party to him than by any other measure that he could propose. If that Noble Lord will but manfully adhere to this principle, I, as a very humble member of that body, will tell the Noble Lord that he need entertain no fear for the success of those liberal opinions, whenever the contest takes place, because he will be supported by the good sense of the country.

LORD F. EGERTON. — If, Sir, consistently with the due discussion of the important question, and the usual practice of the House, we could have come to a division after the speeches of the Noble Lord the Member for North Lancashire and the Noble Lord the Member for the West Riding of Yorkshire, I should have been quite content not to have attempted any interference in the discussion; and I do so now with great reluctance, because I feel that anything which I can say will only tend to weaken the effect which I am sure my Noble Friend's (Lord Stanley's) speech must have produced upon the House, and will produce, when it has gone forth, upon the public. I do not wonder that a certain degree of irritation has been displayed, both during and after the delivery of that speech, by the Honourable Gentlemen on the opposite side. I do not wonder that the Noble Lord has been charged with having used harsh epithets, — that his speech has been styled intensely uncharitable. I believe it will be intensely inconvenient to the Government which has proposed this measure, and intensely effective on the intelligence and religious feeling of the country. The Honourable Gentleman who has just sat down has endeavoured to reply to it by a quotation from a former speech of my Noble Friend. God knows, if my Noble Friend's defence rested on me, I should feel perfectly inadequate to the task; but as I believe that, by the forms of the House, my Noble Friend, on this night at least, will have no opportunity of replying, I will just state, — although I was not present at the discussion of which the speech in question formed part, and I speak not from authority, — that I consider the Honourable Member for Lambeth has quite misunderstood and misrepresented my Noble Friend's observations. In those observations, as I have heard the Honourable Member read them, I should have no difficulty in expressing my full acquiescence, however much I may differ from the Honourable Member on the present question. I understand the observations to have been delivered during a discussion on the question, whether Dissenters should be excluded from the Universities, by being required to subscribe to the Thirty-nine Articles. The scope of my Noble Friend's argument, couched as it was in eloquent, forcible, and just expressions, I apprehend to have been, that the previous exclusion ought no longer to exist, and that Dissenters should be admitted, subject to the regulations that now exist; but I do not apprehend that my Noble Friend intended to admit conflicting or imperfect versions of the Scriptures. My Noble Friend has been accused by the Noble Lord the Member for the West Riding, of arguing that the members of the Government, the depositaries of official power, should not be allowed to interfere with the support of education in this country. I understand my Noble Friend to argue no such thing; but rather that it would be inexpedient to give, by a vote of this House, power to four members of the Privy Council to direct this great system, free from all control on

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the part of the House, and to solve, without reference to the House, all those important, and, as I believe the Government has found them, insoluble questions, attached to the subject of, as it is styled by the Honourable Member for Lambeth, "national education."

It has been said that there is no difference between the system now proposed, and that which has been for some years acted upon by the Lords of the Treasury. I certainly perceive some difference between the plan contained in the vague minute which has been laid on the table, and a power in the Treasury to supply a portion of the public funds to two societies, whose rules, principles, and modes of action are understood, and printed and published to the country. I find no likeness in this to the power given by the minute to certain members of the Privy Council, who are irresponsible, and the method of those societies, which are managed by persons who are responsible to the public. As I have said, I interfere in this discussion with reluctance; but I own that I feel it necessary to occupy the House, if it be allowed me to do so, but a moment, from the circumstance of my having had upwards of fifty petitions against the scheme intrusted to me, the bulk of which are from Wesleyan Methodists; and which, though I have been unable, myself, to present them, have fallen, I am glad to say, into the more able hands of the Noble Lord the Member for Dorsetshire. Now, with reference to this and other proofs of the unanimity of the great body of Wesleyan Methodists, I must say that I am almost inclined to attribute more weight and authority, on this question, to the expression of opinion of that great body, than even to that of the opinion of the leaders of the establishment, to which it is my happiness to belong. I think the former expression of opinion will carry with it more weight and authority to the country, because I conceive that it, perhaps, may be said that the establishment is at present exhibiting some degree of hostility to the existing Government,—of not unmerited hostility,—owing to the degree of experience which they have of the course of general policy which the Government pursues towards them. The Honourable Member for Lambeth (Mr. Hawes) has intimated doubts of the permanency of this feeling among the Wesleyan Methodists; but, for my part, I see no reason to doubt that it will be permanent, because it is based on a deeply fixed religious principle. However, I am willing to believe — I may say I am certain — that whatever may be the real qualities of these propositions, they are dictated by a deep feeling of the general want of education throughout the country; and I am quite ready to admit that the intention of her Majesty's Government is to set on foot a better system of education; but in seeking to effect this, they have risked greater interests even than those of education, — they have incurred the danger of substituting poison for that meagre diet — if meagre it be — on which it is their object to improve. For myself, however, I must say that it surpasses my comprehension to find any material difference between the former and the subsequent plan of the Government. The Noble Lord apparently labours to draw a strong distinction between them; but it seems to me that in the second minute are substantially contained all the powers necessary for resuscitating, at the proper season, everything in the first minute to which I, and those who think with me, object. I see no reason why the Committee of Privy Council, — whenever it shall please them to form for themselves the assumption that there exists in the country a greater concurrence of opinion in their views than is at present conceded to them, — should not seize a fitting opportunity, — such as that of a recess of Parliament, — for the revival and reconstruction of that edifice of education which is planned out in the first minute. The Noble Lord opposite seems to disclaim such intentions; all I can say is, that with no more information than that on the table, I find it impossible to penetrate the designs of Government.

Another objection which I feel to the scheme relates to a part of the subject to which the Noble Member for the West Riding of Yorkshire has referred, in speaking, as I regretted to hear him do, of the impossibility of putting on this board any of the leading members of the established church, or any of its most distinguished ministers. I regret this, because I think it looks like an insult or slight put upon the church; though I fully believe that the church will willingly overlook any slight which it may be thought proper to put upon her, if to do so will at all serve to the advancement of a sound and religious education of the humbler classes. But I object not so much that no leading member of the church has been placed on the board, as that the scheme has been adopted without consulting with, or anticipating objections which might be expected to be urged by, the leading members of the establishment. Several of the more eminent members of the hierarchy have loudly objected to the scheme; there are sitting among the most earnest opponents

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of it, bishops created by the present Ministry. It is not opposed only by prelates created by former Governments, but by prelates who were appointed yesterday, as it were, and I think that the Noble Lord has no grounds to hope for success to his scheme, resisted as it is by the most distinguished men in the church, as well as by so large and distinguished a portion of the dissenting body. I am afraid the Noble Lord will look long for that general concurrence of which the minute speaks. I am afraid that is an event which will be postponed even beyond that happy period — the year 1842 — which is to settle all the difficulties of the Canadian question. It seems to have given great offence to the Noble Lord opposite, that my Noble Friend near me has not chosen to dwell on the subject of the appointment of chaplain under the plan; but I beg leave to suggest, that, where prelates of their own creation are so much opposed to it, — that, if I might say so, it will be difficult to find a good education bishop on the bench, — they are most likely to find it impossible to get any one from the lower ranks of the church to desert those ranks, and become chaplain on the terms laid down; and therefore I think my Noble Friend is not guilty of any great disrespect to the Noble Lord in not referring to the subject. The question having undergone a degree of discussion which has very nearly exhausted the subject between the Noble Lord opposite and my Noble Friend who followed, I shall not trouble the House further than to say that I feel that I should not fulfil my duty to my constituents, nor to the large body of persons who have done me the honour to confide their petitions to me, if I did not express, in the strongest manner, my dissent from the plan proposed by the Noble Lord the Secretary of State for the Home Department, and my determination to give all the support in my power to the motion of the Noble Lord the Member for North Lancashire.

[Loud cries of "Divide, divide!"]

Mr. SLANEY. — I assure the House I shall trespass on their attention but for a very few moments.

[Renewed cries of "Divide, divide!"]

I am quite aware of the responsibility that attaches to me in venturing to trouble the House with a single observation, after the very able and eloquent speeches which we have heard in the course of this discussion; but feeling the great importance of this question to the country at large, — what vital interests are involved in it, — I felt that I should be neglecting my duty if I gave a silent vote on this occasion. Sir, I deeply lament the tone of party spirit which this debate has assumed. I deeply regret that the question of education should have been chosen as the battle-field upon which the two great opponent parties in this House are to try their strength; when, by the exercise of a little spirit of moderation and conciliation, a good understanding might have been effected upon many points on which I am certain the great majority of the House cordially concur. I am convinced that there are a great number of Honourable Members on the opposite side of the House, who, however they may disapprove of the Government plan, are as anxious as I am myself, for the promotion of the blessings of education amongst the humbler classes of the people. This, Sir, is proved by the great attention which was paid to the investigation of this subject by the members of the committee (many of whom I see opposite) which sat last year, and of which I had the honour — most unworthily, I must say — to be chosen chairman. But, Sir, I must be allowed to add, that the recommendation contained in the Report of that committee contains, in my opinion, the most complete reply to most of the objections that have now been urged against the Government proposition. In speaking of that proposition, I wish it to be understood that I throw out of the question that which is not really before the House, — I mean the plan that was first proposed, and from which, in many respects, I differed, — and I confine myself to that which we are actually discussing. It appears to me, Sir, that the resolution which was moved in the committee of last year, by the Noble Member for Liverpool (Lord Sandon), furnishes an answer to much that has been urged in favour of the amendment of the Noble Lord opposite (Lord Stanley); for its effect was, that the grant should be continued to be distributed by the two societies, but varying the application of it as circumstances might require. Now that was, in spirit, tantamount to the resolution proposed by her Majesty's Government. I admit that the former plan was good, as far as it went; and that, through the medium of the two excellent societies to which allusion has been made, a great benefit was conferred on the poorer classes; but what I objected to was the provision, that, before any assistance

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should be given to any particular place, an amount equal to that proposed to be given must be subscribed towards the required funds: the consequence of this restriction was altogether to exclude the poorest places, in which subscriptions could not be raised, from all assistance; and I am sure Honourable Gentleman on both sides of the House will agree that those are the very places which most require, and are best entitled to, assistance from the grant. Then, Sir, was it not necessary to introduce a principle by which the benefit of the educational grant might be extended, and by which it might be made available to those who were most in need of it? Well, then, one of the objects of the present Government scheme is, to effect this improved distribution of the money; and with this part of it I cannot see how Honourable Gentlemen opposite can differ.

But there is another part of the scheme proposed, which may probably be objected to; that is, the power which the Government reserve to themselves to make grants to schools which are founded not immediately through the medium of either of the two societies — the National or the British and Foreign. Now, as I understand it, the intention of the Government is this; — that, if there be a school requiring assistance, — connected, for instance, with that very excellent and useful society, the Infant School Society, — such assistance shall be given. Although those infant schools do not belong to either of the two principal societies, yet they adopt their principles. And will Honourable Gentlemen say that all schools of this description ought to be excluded altogether from participation in the benefit of this education grant? The point in dispute is this; — ought assistance to be given in all cases where the necessity for it can be shown, or not? I will suppose that both sides are agreed that assistance should be given through the medium of the two societies; the question then arises, — is it to be confined to those schools which are in connection with them? Does the Noble Lord opposite mean to say that no assistance of any kind should be extended to those who may stand in need of it, if they cannot conscientiously conform to those two societies? I know it has been said that Dissenters will come in under the British and Foreign School Society, and that those who belong to the established religion are provided for by the National School Society. But there is yet another and a very large class of persons who require to be educated, and who do not come within either of those denominations, — I mean the great body of the poorer Roman Catholics, who are to be found in very many of the large towns of this kingdom. You have lately introduced a new system in Ireland; and, by clearing the estates there, you cause a large emigration to this country. Now I ask you, how — when you are about to extend the assistance of the state to educate the people — are you prepared to exclude altogether the great body of Roman Catholics in our manufacturing towns from participating in the benefit? If the numbers were small, it might then be a matter of less consideration; but I find that, in the town of Manchester alone, there are no less than 30,000 Roman Catholics, and there are about three times that number in London. I ask you, then, — and I appeal especially to the Irish Members of the House, — calmly and fairly to take these matters into your consideration, and that you will think deeply of the consequences of denying all the advantages of education to so large a number of your Roman Catholic fellow subjects in this country, before you decide upon rejecting the Government plan. Let me ask those Honourable Gentlemen who were members of the select committee, whether important facts were not there brought forward, showing the paramount necessity for some exertion being made to instruct and improve the lower classes? I ask them, was not the great prevalence of crime in this country clearly traced to the uneducated state of the poorer classes?

If the House will allow me, I will add one or two of those facts, which will be found more conclusive than any arguments I could use. And, first, I will refer to the resolution which the committee came to, after much investigation and attention. They stated, in regard to the education in the manufacturing and seaport towns, that the kind of education bestowed upon the working classes was as lamentably deficient in amount as it was bad in quality; and that the subject was one which demanded some immediate efforts on the part of the Government to remedy. I will now proceed to state ——

[Cries of "Oh, oh!" and, "Question!"]

I must appeal to Honourable Gentlemen for their attention for a few minutes. I speak on behalf of the heartfelt desires and interests of hundreds of thousands of my fellow countrymen, whose affection for their children is as great and as sincere as that which any Gentleman who

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hears me can entertain for his own offspring, and who are compelled to witness them going on in a career of danger, leading to ruin, shame, and misery, for the want of the commonest means of education. The following facts are strictly in proof of what I say: — In Reading, the proportion of persons who have received any kind of education is but 1 in 17; in the eastern parts of London, 1 in 21; in the south-west of London, 1 in 27; in Manchester, 1 in 35; in Birmingham, 1 in 38; and in Leeds, 1 in 41. In short, two thirds of the children of the humbler classes are entirely without education. The consequence of this neglect is, that the criminal calendar is yearly increasing; and it appears that, out of 22,000 committals in the present year, 20,000 were of persons wholly destitute of education. And is not this fact alone sufficient to show that, by allowing things to go on as they are at present, we are not only casting a great additional burden upon the public purse, in the shape of prosecutions, but also acting most unjustly towards the unfortunate people who are amenable to the laws of the country? There is another fact which bears strongly on this matter, as showing the absolute necessity for a more general system of education. The consumption of spirits, which, thirty years ago, was 9,000,000 of gallons, is now no less than 39,000,000 of gallons annually.

[Cries of "Divide!" and, "Question!"]

I have never said anything to excite discontent in the humbler classes of the people; my opinions are not those which can be called extreme; but I do say this, that if the Government of this country do not afford the great bulk of the people those elements of education by which they may be taught how to live and how to die, discontent will arise in the popular mind, and mischievous persons will get up and ferment that discontent, declaring that that Government is unjust and tyrannical, which proscribes those who do wrong, but neglects to afford the opportunity to its subjects of discovering and doing what is right.

[Cries of "Question, question!"]

This is the question, and a question of deep interest,—whether or not we are to deny to the humbler classes the benefit of education, and thus betray that trust which, as representatives of the people, is imposed upon us. I will only add, that, if you do not speedily take measures for extending to the humbler classes of society the means of obtaining a good practical education, it will be found, ere long, that those classes will be beyond the rule of any Government, and that anarchy and ruin will result.

[Loud cries of "Divide, divide!"]

SIR WALTER JAMES. — I am desirous of addressing a very few words to the House on the present occasion. On account of the great interest which my constituents take in this question, my own attention has of late been directed to it; and I rejoice that it has been so, because I think that, by the public attention being directed in this way to this subject, a fresh stimulant will be given to exertion — to those who are already engaged in the good work of educating the people; and to those who have hitherto limited their efforts to the imparting of what is termed useful knowledge; and that a fresh stimulant will be given to the dissenting body, also, which has been so properly eulogised to-night by the Noble Lord (Lord Stanley); and, also, that a fresh stimulant to renewed energy will thus be given to the clergymen of the established church, themselves, to promote and spread the principles of that religion which they profess, and which it is their duty to preach and to practise, and which it used to be the pride and honour of the people of this country to sustain and uphold. I must, however, be permitted to say, that I look upon it as a strange and striking anomaly, that Honourable Gentlemen opposite, the constant advocates of a voluntary system in religion, should be the first to advocate the establishment of a so-called national system of education, which is alien to the wishes, the wants, and the feelings of the people of this great nation. I wish to call the attention of the House to the position in which the clergy of the established church are placed by this question. After what has been stated by the Noble Lord, it can scarcely be necessary to say that, when Lord Althorp, six years ago, announced that all public money to be applied by the state for the purposes of education should be given to the British and Foreign School and the National School Societies, no objection was made by the church to that proposition. On the contrary, the clergy of the established church fully acquiesced in that proposal; and when it was wished afterwards to ascertain which stood highest in public opinion, in order to guide the Government in the distribu-

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tion of the public money, it was found that 120,000*l.* had been given to the National School Society, and only 80,000*l.* to the Dissenters. Such was the ratio of public opinion. But no sooner was it known that such a strong predominance of public feeling and support has been evinced in favour of the National School Society, and the principles of instruction inculcated by the established church and the Protestant religion, than the Government come forward with a new-fangled scheme of education, and denounce that plan as objectionable and illiberal. They declare that the education of the people must be taken out of the hands of the clergy, and vested in a Committee of the Privy Council, wholly consisting of official laymen, possessing neither the confidence of this House nor of the people. All that the church ask is, that there shall be no favouritism — that no plan of education shall be patronised, which will interfere with the rights and privileges of the established clergy as guardians of public instruction; and in asking this much, the church seek for nothing that is not reasonable and most entirely just. I am the more urgent with Government to consider the objectionable and dangerous nature of their scheme, because I am convinced that no system of education can succeed in this country which has not the support and approbation of the parochial clergy. Still I do not wish to push my objections to any extreme extent; and if I saw the parochial clergy endeavouring to monopolise the rights of other sects with regard to the education of their children, I should be the first to oppose such tyranny. But as regards their opposition to this scheme of her Majesty's Government, the church stands upon a position which her enemies will endeavour in vain to shake; it is founded upon a firm rock, — the rock of truth and justice, and of public approbation and esteem. I must say that the church, in this respect, stands in proud and striking contrast to her Majesty's Government, whose measures I have always regarded with suspicion, and more particularly since the time when the President of the Council published his plan to the country, as described in the printed papers laid on the table of this House. For myself, I was brought up in that old-fashioned plan which taught me to think that morals and religion are so intimately connected and blended together, that it is impossible to teach the one without inculcating the other. If I wished, in the present day, to teach morality, I do not know where I should go.

[Cries of "Hear, hear!" and laughter.]

Her Majesty's Government have been compelled to abandon their secular system, because it has met with the strenuous opposition of all classes throughout the country. There are one or two questions, with respect to the late plan, which I wish much to put to her Majesty's Government. I wish, first of all, to know whether it is still intended to found any normal or model schools, and to give away any part of the public money to such purposes? I wish, also, to know whether it is intended to bestow any part of the public money on the Roman Catholic sect? I wish to speak with all due respect of Roman Catholics; but I must say, that, if the Government apply any portion of the funds of the state to such purposes, and on this plan, they will adopt a course most hostile and unjust to the rights and interests of the established church. I do not, however, look for an answer to these questions, because I have long ceased to expect anything like straightforward conduct from her Majesty's Government. But it certainly appears to me that it will be quite impracticable to carry on education in this country by public grants, unless we adhere to the line laid down by Lord Althorp, to which I have already alluded. This is the only course which can be attemped with just claims to success, — with anything like due regard to the rights of the established church; and it is the only plan which can have a chance of allaying and satisfying the well-grounded fears entertained by the Conservative party in the country.

[Cries of "Divide, divide!" and, "Adjourn."]

Mr. WYSE. — I move that the debate be adjourned.

On the question being put, —

SIR R. PEEL said: — I think it will be impossible to bring on the discussion on the Jamaica Bill on Monday, as the debate on the Report of the Committee of Privileges will necessarily take up a considerable portion of time on that day.

LORD JOHN RUSSELL. — I would propose that the question of privilege shall be taken the first thing on Monday; we may then take the chance of bringing on the Jamaica Bill in the latter part of

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the evening; the adjourned debate might then be taken on Wednesday.

Mr. PAKINGTON. — I have a question of very great importance to bring forward on Wednesday; and unless I persevere in pressing it on that day, I am afraid I shall not have another opportunity.

Motion for adjournment agreed to.

The SPEAKER. — To what day?

Mr. WYSE. — Till Wednesday next.

On the question being proposed, —

Mr. PAKINGTON said: — I must again object to the debate being fixed for Wednesday, as it will interfere with other business which is already fixed for that day.

The question was then put, and agreed to; debate adjourned till Wednesday next.

BUSINESS OF THE HOUSE.

Mr. WALLACE. — I should like to know from the Noble Lord, when the Bills which are now on the paper relating to Scotland are really to be brought forward? or whether it is intended to postpone them till the next Session?

LORD VISCOUNT STORMONT. — It is of great importance that we should know which of the Government measures it is proposed to carry through during the present Session, and which are to be abandoned.

Mr. FOX MAULE. — I really do not see how we can answer the question. This is not a period of the Session at which we should be likely to abandon any measure that we considered would be approved of by Parliament.

LORD VISCOUNT STORMONT. — What I request to know of the Noble Lord the Secretary of State for the Home Department is, when it is intended that the Scotch Bills — six in number — shall be proceeded with? or whether, indeed, any of them will be proceeded with further during the present Session? It is a plain question, and I wish to have a decided answer.

LORD JOHN RUSSELL. — I can only say, in reply to the Noble Lord, that immediately the Government have decided on the course they will take, the House shall be informed of it; but they are not prepared to come to an instant determination on the peremptory demand of the Noble Lord.

SIR ROBERT PEEL. — From my experience of the practice of former Sessions, I should say that, at this period, the House ought to know what Bills are to be proceeded with. Nothing is more natural than that such a question as that which my Noble Friend has put to the Noble Lord should be asked. At so late a period as the 15th of June, it does not appear to me to be unreasonable that the House should desire to be informed as to the course the Government intend to pursue during the remainder of the Session.

Mr. GILLON. — It is not at all unreasonable that the House should be told what Bills relating to Scotland are to be proceeded with. At all events, if the Government persist in refusing that information, it is right that the public should know the fact of that refusal.

LORD JOHN RUSSELL. — I am aware that the Bill respecting prisons in Scotland is one which excites a considerable degree of interest; and I hope that that measure may be carried through during the present Session.

REGISTRATION OF ELECTORS BILL.

Committee put off for three months.

HERITABLE SECURITIES (SCOTLAND) BILL.

Second reading deferred till Wednesday next.

SUPREME COURTS (SCOTLAND) BILL.

Third reading deferred till Thursday next.

SEWERS BILL.

Further consideration of Report deferred till Tuesday next.

WAYS AND MEANS.

Committee deferred till Monday next.

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REGISTERS OF BIRTHS, &c. BILL.

Further consideration of Report deferred till Friday next.

BANKRUPTS' ESTATES (SCOTLAND) BILL.

Further consideration of Report deferred till Thursday next.

REGISTRATION (COURT OF APPEAL) BILL.

Second reading deferred till Monday next.

METROPOLIS POLICE BILL.

Report deferred till Friday next.

IMPRISONMENT FOR DEBT ACT AMENDMENT BILL. — WINDSOR CASTLE STABLES BILL.

Severally reported; to be read a third time on Monday next.

REGISTRATION OF LEASES (SCOTLAND) BILL. — WRITS (SCOTLAND) BILL.

Second readings severally deferred till Thursday next.

BRICK DUTIES BILL.

Considered in committee, and reported; further consideration of Report on Thursday next; Bill, as amended, to be printed.

BILLS OF EXCHANGE BILL.

Read a third time; amendments made; Bill passed.

PRISONS (SCOTLAND) BILL. — SUMMARY JURISDICTION BILL.

Committees severally deferred till Thursday next.

METROPOLIS POLICE AND METROPOLIS POLICE COURTS (ADVANCES OUT OF THE CONSOLIDATED FUND).

On the motion of Mr. FOX MAULE, order for committee thereupon, read.

COLONEL SIBTHORP. — I must, Sir, object to the House going into committee for such a purpose at so late an hour, and I shall certainly oppose the motion.

Mr. FOX MAULE. — I hope the Honourable and Gallant Member will not press his opposition; if he does, the charge of delay, as regards these Bills, cannot, with propriety, be brought against this side of the House.

COLONEL SIBTHORP. — I move that the House be counted.

House counted accordingly; and forty Members not being present, House adjourned at a quarter to one o'clock.

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HOUSE OF COMMONS, SABBATI, 15° DIE JUNII, 1839.

MISCELLANEOUS PETITIONS.

The following petitions were severally presented, and ordered to lie on the table; namely, —

Education,—By Mr. ESTCOURT and Mr. GREENE, against the proposed scheme, — from Childerditch; Bransgore; Tetbury; and Lancaster.

Railways (*Ireland*), — Of proprietors and other inhabitants of the province of Connaught, to be included in the proposed measure.

Postage. — For a low uniform rate, — from Auchencairn; and Dalbeattie.

Corn Laws,— From Drumgoon, against repeal.

Church of Scotland, — From Minyhive, against further endowment.

Fisheries (*Ireland*),— From Killybegs, for placing the fisheries in Ireland on a similar footing with the Scotch fisheries.

EXCHEQUER OF PLEAS BILL.

Read a first time; to be read a second on Tuesday next, and to be printed.

PRINTED PAPERS COMMITTEE.

Second Report brought up, and read.

LORD VISCOUNT HOWICK. — I move that this Report be printed, and that it be taken into consideration on Monday next.

LORD VISCOUNT MAHON. — I trust the Report will be printed and circulated without delay. It is important that Members should be furnished with the Report at the earliest possible moment, in order to afford time for consideration before the discussion on Monday. There is another document relative to the proceedings of the committee, which I hope will also be printed and circulated with the Report, — I allude to the minutes of the sitting of yesterday. The committee yesterday discussed the main question, and took a division upon it. I therefore move that the minutes of the sitting of yesterday be read by the clerk at the table.

LORD VISCOUNT HOWICK.—The minutes to which the Noble Lord refers are not in such a state of preparation as to admit of their being read by the clerk. They will, however, be in the hands of Members on Monday morning.

LORD VISCOUNT MAHON. — Has the Noble Lord any objection to state the names of Members who voted in the majority and minority?

LORD VISCOUNT HOWICK. — It is not usual to read the names of Members who vote in divisions in committees. The minutes are not yet in a state to be read; and I think it would be better not to state a part, when the whole will be in the hands of Members on Monday morning.

LORD VISCOUNT MAHON.—I hope I shall be in order in stating a fact which I think it is of the utmost importance Members should be acquainted with, before entering on the consideration of the Report. In the minority on the division of yesterday will be found the names of the Solicitor General, Lord J. Russell, and Sir R. Peel; these gentlemen having voted against the Report of the majority which has now been presented.

Mr. ALDERMAN COPELAND. — It may look like presumption on the part of so humble an individual as myself to offer any observations upon this important question; but as, in the discussion on Monday I may be prevented from stating my opinions, I cannot allow this opportunity to pass without protesting, in the most decided terms, against that part of the Report which suggests that, in the event of the sheriff entering up the judgment, — that is, in executing the writ of the court, — he shall be committed for contempt. What has the sheriff to do but to obey the orders of the court and to enforce the law? In executing the

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writ he will be doing nothing more than performing a duty which he is bound to perform. Let Honourable Members ask themselves what the sheriff has to do with the privileges of this House? The judges of the Court of Queen's Bench have laid down the law; and it is the duty of the sheriff to execute it, by carrying into effect the judgment of the court. These are my sentiments; and I must protest, therefore, against a suggestion, which, if carried into effect, can only be considered as an act of tyranny.

LORD VISCOUNT HOWICK. — I most anxiously deprecate any further discussion at the present moment; and I cannot but regret the course which has been adopted by the Noble Lord opposite in giving the names of the minority, and not stating at the same time the names of the majority.

LORD VISCOUNT MAHON. — I have asked the Noble Lord to furnish me with the names of the majority.

LORD VISCOUNT HOWICK. — I think the course which has been adopted a most inconvenient one. It was hardly fair to state the names of the minority, when it is impossible for the majority to make any reply. The majority cannot be prepared without further deliberation to state their reasons for the vote which they have given, and it would have been better to have waited till the whole matter was regularly before the House. On this day, too, it is manifestly inconvenient to enter upon what can only be a partial discussion of this important question.

Mr. FRESHFIELD. — We are to see the minutes for the first time on Monday morning, and on Monday afternoon to discuss this important subject. I agree with the Noble Lord, that there are inconveniences attending the discussion at present; but I believe it is the first time that a Report has been presented to the House, with a view to its being printed, when it is not yet in a fit situation to be read. Surely we are not to receive that Report simply as a sealed packet. We certainly ought to have as much information on the subject, to prepare for the discussion on Monday, as is consistent with the convenience of the House.

Mr. WARBURTON. — I entirely concur with the Noble Lord the Secretary at War, that it would be extremely inconvenient to discuss so important a question at the present moment. The Honourable Member who has just down has complained of the inconvenience of entering on the discussion of this subject on Monday, on account of the shortness of the time which Members will have for the consideration of the Report; but if there be an inconvenience in discussing the subject on Monday, how much greater must be the inconvenience, if, without having the information before us which the Report conveys, we should at once proceed to debate the recommendations of the committee! I fully acquiesce in the view taken by the Noble Lord the Secretary at War, relative to the minutes of the proceedings of the committee yesterday; and although the Noble Lord opposite has thought proper to state three names of the minority, I shall not be tempted to follow his example, by stating the names of the majority.

Mr. FRESHFIELD. — I deprecate discussion at this time as much as the Honourable Member for Bridport can; but I contend that we have a perfect right to claim all the information which can possibly be given, in order to enable us to come prepared for the discussion.

Report to be taken into consideration upon Monday next; and, with the minutes of the proceedings of the committee, to be printed.

Adjourned at half after three o'clock.

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HOUSE OF LORDS, Lunæ, 17° die Junii, 1839.

APPEALS.

Brock *v.* M'Callum (or Webster). — Further and fully heard, and consideration adjourned to Thursday next.

Abernethie *v.* Forbes (or Gordon). — Further heard, and adjourned till to-morrow.

Spears *v.* The King (writ of error); Hart *v.* Frame. — To be considered to-morrow.

Hill *v.* Paul. — Set down for hearing *ex parte*, as to the respondent, George Ord.

Allan (or Dickson) *v.* Brander. — Petition of the respondent for further time to lodge cases. — Read, and referred to the Appeal Committee.

PEMBERTON'S DIVORCE BILL.

Read a second time, and committed to a committee of the whole House to-morrow, and the Lords summoned.

EARL OF GALLOWAY'S ESTATE BILL.

Reported specially, with amendments; and Bill to be ingrossed.

House adjourned during pleasure, and resumed by the Earl of Shaftesbury.

House adjourned during pleasure, and resumed by the Lord Chancellor.

MESSAGE TO THE COMMONS OF FRIDAY LAST.

The Masters reported, "That the Commons will send an answer by messengers of their own."

EARL OF NORBURY.

Petition taking notice of a report respecting the circulation of Emmett's last speech, and denying that the same was circulated previous to the death of his Lordship, — of inhabitants of Tullamore. — Read, and ordered to lie on the table.

BIRMINGHAM CANAL BILL. — GLASGOW AND RENFREW ROADS BILL.

Read a second time, and committed for to-morrow.

PRESTON AND WYRE RAILWAY, HARBOUR, AND DOCK BILL. — BRADFORD (WILTS) IMPROVEMENT BILL. — ITCHEN BRIDGE AND ROADS BILL. — SOUTHMOLTON ROADS BILL.

Read a second time, and committed for Thursday next.

WEST CROFT INCLOSURE BILL. — WEST BECKHAM AND ALBY INCLOSURE BILL. — ALMSWORTHY INCLOSURE BILL. — HARTISHEAD INCLOSURE BILL.

Read a third time, and passed.

BRISTOL AND GLOUCESTER RAILWAY BILL. — NOTTINGHAM COMMON FIELDS INCLOSURE BILL.

Read a third time, with the amendments; passed, and sent to the Commons.

LONDON BRIDGE APPROACHES BILL.

Petition praying to be heard by counsel against, — of William George Prescott, Grote, Ames, Baillie, and Grote, carrying on business as bankers in Threadneedle Street, in the city of London, on behalf

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of themselves and their said partners. — Read, and ordered to lie on the table.

TYNE DOCKS BILL.

Brought from the Commons, and read a first time.

CAMBER QUAYS (PORTSMOUTH) BILL.

Petition in favour of, — of the company of proprietors of the Port of Portsmouth Floating Bridge. — Read, and ordered to lie on the table.

WISHAW AND COLTNESS RAILWAY BILL.

Report from the Select Committee appointed for proposing Committees on Opposed Bills, "That the following Lords be selected and proposed to the House to form the select committee for the consideration of the Bill; viz., —

The Earl Bathurst,
The Earl Cadogan,
The Earl Chichester,
The Viscount Sydney,
The Lord Gage.

Agreed to; and the said Lords appointed accordingly; the Committee to meet on Thursday next, at eleven o'clock; and the petitions praying to be heard by counsel against, severally referred to the committee, with leave to be heard as desired; as also counsel for the Bill.

WEST DURHAM RAILWAY BILL.

Report from the Select Committee appointed for proposing Committees on Opposed Bills, "That the following Lords be selected, and proposed to the House to form the select committee for the consideration of the Bill; viz., —

The Earl of Sandwich,
The Earl of Lovelace,
The Lord Sheffield,
The Lord Dunmore,
The Lord Wenlock.

Agreed to; and the said Lords appointed accordingly; the committee to meet on Thursday next, at 11 o'clock; and the petition in favour, and the petition praying to be heard by counsel against, severally referred to the committee, with leave to the petitioners praying to be heard by counsel against, to be heard as desired; as also counsel for the Bill.

ALERDEEN MARKETS AND IMPROVEMENTS (No. 1.) BILL.

Reported, without amendment.

FRASERBURGH HARBOUR BILL.

Reported, without amendment.

WATERFORD FEVER HOSPITAL BILL.

Read a second time, and committed to a committee of the whole House to-morrow.

CALEDONIAN CANAL.

The EARL of HADDINGTON presented a petition for the improvement of, — of the heritors, commissioners of supply, and justices of the peace of the county of Ross, in a general meeting assembled at Fortrose. — Read, and ordered to lie on the table.

SCOTCH CHURCH.

The EARL of ROSEBERY presented a petition against the further endowment of; and against any further grants of money for the support of Maynooth College, and to the Presbyterian clergy of Ireland, — of the minister, elders, and members of the United Associate congregation of West Calder. — Read, and ordered to lie on the table.

LAY PATRONAGE (IRELAND).

The MARQUESS of WESTMEATH. — I wish to call the attention of the Noble Viscount opposite to the present state of lay patronage, with reference to certain church livings in Ireland. Under the 6th of Anne, those church livings, in consequence of the nonconformity of Roman Catholics, to whom the patronage originally belonged, were supposed to be preserved and protected for the Crown. Now, within a few days, a curious case has occurred, which induces me thus to direct the notice of the Noble Viscount to the subject. A Noble Friend of mine, a Member of this House, is placed in this

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situation: — His father was a Roman Catholic, but conformed to the established religion. Having done so, he asserted his claim to the patronage of certain livings in the diocese of Westmeath, and convinced the Government that his claim was a good and valid one. A few days since one of those livings became vacant, and the Lord Lieutenant, on the part of the Crown, presented to it. I think that a just and equitable arrangement should be made, and that the subject should be properly inquired into. I am perfectly certain that it is only necessary to mention the matter to the Noble Viscount, in order to have it fully investigated; for the trust thus vested in the Crown must be considered as a very tender matter — as a matter of honour, indeed. In my opinion, the son, in this case, ought to inherit the right which his father claimed.

VISCOUNT MELBOURNE. — What is the precise object which the Noble Marquess has in view?

The MARQUESS of WESTMEATH. — My object is to request the Noble Viscount to ascertain the facts of the case. The Crown is bound, by the Act of Parliament to which I have referred, to protect the rights of individuals, and not to usurp them; and I thought that I could not make application on the subject to any one better than to the Prime Minister, in order that parties might not be driven to have recourse to law. I conceive that some inquiry should be instituted; and if my Noble Friend is entitled to these livings, that his claim should be at once acknowledged.

VISCOUNT MELBOURNE. — The subject shall be inquired into.

The MARQUESS of NORMANBY. — What is the name of the particular living to which the Noble Viscount refers?

The MARQUESS of WESTMEATH. — The united livings of Dunsany and Killeen.

UNIVERSAL SUFFRAGE, ANNUAL PARLIAMENTS, AND VOTE BY BALLOT.

EARL STANHOPE. — I beg to give notice, that it is my intention, to-morrow se'nnight, to present to your Lordships several petitions in favour of universal suffrage, annual Parliaments, and vote by ballot; and I shall take that occasion to submit some observations to the House; for, though I cannot fully support those petitions, yet there are considerations and circumstances connected with them which appear to me to deserve, and indeed to demand, the serious attention of your Lordships.

PROCEEDINGS AT THE ELECTION FOR THE COUNTY OF ROSS.

The EARL of HADDINGTON. — With the permission of the Noble and Learned Lord on the woolsack, I will take the liberty of putting a question to him. It will be in the recollection of the House, that in the last Session I brought under the consideration of your Lordships the extraordinary fact, that certain individuals had been appointed justices of the peace in Cromarty, who had been guilty of an act which, in my opinion, disqualified them from sitting on the bench. One of them was an ironmonger, and the other a country practitioner in surgery. These persons were, it seems, guilty of abducting a voter during the election, and thus preventing him from giving his vote. Certainly, it is very unusual and very extraordinary to make justices of the peace of persons who have thus conducted themselves. When I before mentioned the subject, the Noble and Learned Lord said that he would inquire into it. What I now beg leave to ask is, whether the Noble and Learned Lord has made that inquiry? and if so, what is the result?

The LORD CHANCELLOR. — In consequence of the question of the Noble Lord, I did make inquiries on the subject. I found considerable difficulty in ascertaining the facts, but I believe that I did at last ascertain them. The result does not correspond exactly with the impression which seems to have been made on the Noble Earl's mind. It is a long story, and I am not prepared to go into the full statement of the circumstance, if that be what the Noble Earl desires.

The EARL of HADDINGTON. — I have no wish that the Noble and Learned Lord should enter into a long discussion or statement on the subject; but I should, at the same time, be glad if he would state whether he has any doubt that these persons had been guilty of the conduct imputed to them? and whether, if he had known of that conduct at the time, he would have placed them in the commis-

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sion of the peace? Did not the Noble and Learned Lord find that those two individuals had made a voter drunk at the election for the county of Ross, and in that state removed him, so that he was prevented from voting?

The LORD CHANCELLOR. — The information which I have received forms a long story; and if I tell it at all, I must state it as I received it.

The EARL of HADDINGTON. — The only question is, whether the Noble and Learned Lord found that these persons had been guilty of the abduction of a voter? and whether, if he had known the fact when he made them justices of the peace, he would have taken that step?

The LORD CHANCELLOR. — The fact is, that these three persons met together, and they got drunk together. By degrees, however, they got sober. When the person who was a voter became sober, finding himself in a place where he did not wish to be, he, as might be expected, informed his companions that he was anxious to go back. To this they consented, and all three resolved to return. They, however, went a little out of their way, wishing to see Cawdor Castle. They then met some other friend or friends, and having got a little social again, before they could return they were too late for the election. It was, on inquiry, found that the two parties could not be subjected to any criminal proceeding: that was the opinion of the officers of the Crown, and of the legal adviser of the voter. An action was, however, brought against the parties, and a verdict with 25*l.* damages was returned. It appears that both parties at the election acted with great violence; and I cannot look to the conduct pursued on one side, without taking into account, also, that which was adopted on the other. The result of my inquiry is, that the intention to remove the voter does not seem to have been at all preconcerted. The resolution was formed while they were all three drinking, and was abandoned immediately after they got sober.

The EARL of HADDINGTON. — I am perfectly satisfied with the information the Noble and Learned Lord has given me; and it is for your Lordships to decide whether it was fit and proper that persons who had been guilty of such conduct should be placed in the commission of the peace,—whether it was right that these persons, who made this man drunk for the purpose of preventing him from voting, should be raised to the situation of justices of the peace? The information which I have received on the subject leads me to believe that I am perfectly justified in saying that it was an unfortunate and unfit thing to make such an appointment. If the lord lieutenant of the county was aware of the circumstances, he ought not to have recommended these persons.

The LORD CHANCELLOR. — I never, till now, heard any objection to those persons; and, really, the many and onerous duties of my office preclude me from looking into all the particular details of such cases.

PRINTING OF THE BIBLE IN SCOTLAND.

The EARL of HADDINGTON. — I wish to correct a very great misapprehension that has appeared in several of the public prints, as to an observation which was made by me on a former evening. I asked the Noble Viscount opposite (Viscount Melbourne), whether the plan proposed by the Government, with respect to the printing of the Bible in Scotland, had received the approbation of the Church of Scotland, and I am represented to have said that I wished the plan to be submitted to the bishops of Scotland. I certainly made no such observation, because such a thing as a bishop of Scotland does not exist. What I recommended was, that, before the plan was adopted, the opinion of the Church of Scotland should be ascertained with reference to it.

EDUCATION (IRELAND).

The MARQUESS of LONDONDERRY presented a petition for inquiry, and against the present system, — of inhabitants of the city of Londonderry. — Read, and ordered to lie on the table.

CLERGY RESERVES LANDS (CANADA).

The BISHOP of EXETER. — Seeing the Noble Secretary for the Colonies in his place, I wish to ask a question, of which I have given the Noble Marquess notice. That question is, whether a Bill, said to have passed the two Legislative Houses in Upper Canada, for re-investing the clergy reserves lands in her Ma-

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jesty, has reached her Majesty's Government?

The MARQUESS of NORMANBY. —The Bill has arrived; but as no Address has accompanied it, and as the subject of this measure may seem to require an Address, in order to its being laid before the two Houses of Parliament, the matter is now under the consideration of the law officers.

RULES OF PROCEEDINGS (BOROUGH COURTS) BILL.

On moving the second reading of this Bill, —

LORD DENMAN said:—I wish to correct a misstatement that has appeared in the public press, in which I am represented to have attributed to the House of Commons the absurdity of having so altered the former Bill on this subject, as to have rendered it no Bill at all. Now, I stated, very distinctly, that there was a defect in the Bill when it went down to the House of Commons, which was suffered to remain in it, and which, therefore, rendered it necessary to bring in a new measure. This being the case, no necessity existed for considering whether the amendments made by the other House might or might not have been proper. I feel it to be my duty to state this, because I should be sorry to have it supposed that I would say anything disrespectful of the House of Commons.

The Bill was then read a second time and committed to a committee of the whole House to-morrow.

THE MILLION LOAN (IRELAND).

The MARQUESS of WESTMEATH. — I beg to ask the Noble Viscount opposite, what has become of the 100,000*l.* that was deducted from the million loan fund advanced for the relief of the clergy of Ireland? That sum, I am informed, was granted to the Board of Works. I understood, from what passed on a former occasion, that the return on the whole sum would amount to 75 per cent., but I have since learned that it will not amount to more than 25 per cent.

VISCOUNT DUNCANNON. — I cannot give any information on the subject at present, but I will inquire into the matter. I cannot, however, conceive on what ground the Noble Marquess assumes that the return will be only 25 instead of 75 per cent.

CHURCH DISCIPLINE BILL.

The BISHOP of EXETER presented petitions against, — of the clergy of the deanery of Bicester; eastern division of Andover; Newcastle, and archdeaconry of Northumberland; Weldon; and Worcester: and of the Reverend Arthur Tozer Russell, vicar of Caxton, in the diocese of Ely. — Read, and ordered to lie on the table.

DISSENTERS.

The EARL of DURHAM presented a petition, praying to be immediately relieved from the payment of church rates, and claiming other privileges, — of the deputies from the several congregations of Protestant Dissenters of the three denominations, — Presbyterian, Independent, and Baptist, — in and within twelve miles of London, appointed to protect their civil rights. — Read, and ordered to lie on the table.

BEER ACT IN PART REPEAL BILL.

VISCOUNT MELBOURNE presented a petition against, — of William Miller, of the parish of Walcot, in the city of Bath, retail brewer and beerseller. — Read, and ordered to lie on the table.

ISLAND OF NEW ZEALAND.

The EARL of DURHAM presented petitions in favour of the measure having for its object the foundation of a British colony there, — of merchants, bankers, manufacturers, and others of Paisley; and Greenock. — Read, and ordered to lie on the table.

BEER ACT IN PART REPEAL BILL.

On moving the third reading of this Bill, —

LORD BROUGHAM said: — I admit that the opposition to this measure has been conducted in a spirit of great fairness; and I think it would save your Lordships' time to take the discussion on the amendments which the Noble Marquess (the Marquess of Salisbury) intends

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to move, now, instead of on the question of the third reading.

LORD ELLENBOROUGH. — I beg to observe, that it would be an anomaly to have the Bill read a third time, and then that the sense of the House should be taken on the next stage of the question.

LORD BROUGHAM. — Nothing is more usual than such a course.

The MARQUESS of WESTMINSTER. — I shall object at once to the third reading.

LORD BROUGHAM. — Unless your Lordships are prepared to say that the present Beer Bill is absolute perfection, as was once said of our constitution, I hope you will hear the proposed amendments. I will, therefore, now move the third reading; and will reserve any remarks I have to make, until I hear the objections against the measure.

LORD WROTTESLEY. — For my own part, I am anxious to express my opinions with respect to this measure; and, as I had not the opportunity of doing so, either upon the motion for the second reading, or in committee, I cannot help feeling that the present is the most proper occasion for me to address a few observations to your Lordships. The present measure is of great importance. One of the main arguments urged in its support is, that the beer-houses are productive of a greater amount of crime than the licensed houses. I beg to deny that allegation. I cannot find out that the fact is so; and from all the information that I have obtained on the subject, I will say that many of the beer-houses are far more respectably conducted than the licensed houses. The great source of crime is not in the beer-houses, but arises from the want of an efficient police. When I say this, I do not wish at all to see the establishment of a rural police. I would rather see the metropolitan police force enlarged; and then, as the communication by railroads from one part of the kingdom to the other is so rapid, they might always be despatched at a short notice to any district of the country which might be disturbed. Other modes, however, might be suggested of establishing a police force, — I allude to the militia staff. That body of men are now quite useless and ineffective; but I consider that they might be placed under such regulations as to be a means of preventing much crime. They might, in short, be made a most effective corps of police. It often happens, now, that there is only one constable appointed to a district, and therefore there are no efficient means to prevent crime. It appears that there are at present 45,000 beer-shops. Now, I must say that the Bill will operate very unjustly towards these, by throwing the trade open. It is said, that many of the beer-houses have only a few moveables, such as a single table and a few chairs; but I would remind your Lordships, that there are others on which large sums have been expended in building and furniture. Many have been taken on long leases; and in not a few the whole of the little property of individuals is embarked. Some parties, by industry in early life, amass a small property, which they expend on their house; — in fact, they embark their all in beer-shops, as the means of obtaining their subsistence. And the House will recollect, that it is only nine years since that a law was passed, which gave them a vested interest in that description of property, and protected the trade. In that part of the country to which I belong, all the beer-shop keepers brew their own beer; and the expensive apparatus which they have been obliged to procure will be worth little or nothing, if this Bill be allowed to pass. What would the stonemasons who are working under your Lordships' windows say, if their trade were to be abolished, if it were said, "Oh, you will be paid for your tools?" Would they not reply, "That is no recompence to us, if we are to be deprived of the trade by which we support ourselves and families?" Such is the proposition as regards the beer-shops. It is suggested to take away from 45,000 men and their families the means of their own support, and of the payment of their creditors. I do trust, however, that your Lordships, as guardians of the public property, will pause before you consent to pass any Act like the one under consideration.

The MARQUESS of SALISBURY. — It is not my intention to follow the Noble Lord who has just spoken, in his observations about stonemasons, or a rural police; but I would observe, as regards the militia staff not being effective, that the Noble Lord has forgotten to state how it became so. The Noble Lord now at the head of the Government, six or seven years ago, when Secretary for the Home Department, promised to introduce some measure for the purpose of making that staff a police force; but up to the present moment no Bill whatever upon the subject has been brought in. For my own part, I do not regret this; for, as an old colonel of militia, I should not like to be at the

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beck of the Home Secretary as an inspector of police. With respect to the Bill before the House, I stated my opinion on the introduction of the former Beer Bill, that it would be difficult to prevent its abuse in distant parishes; and though I do not object to an amendment of the present law in several respects, I should not concur in any measure which would have the effect of depriving the poor man of a wholesome beverage, in the place of that pernicious liquor which is almost forced down his throat in many of the licensed houses. I would not put down the present houses; but my amendments will go thus far:—First, I think a most useful step will be, to declare that no new licences for the sale of beer shall henceforward be granted, except by the magistrates. Next, that certificates shall be granted to parties, only, paying a rental of 10*l.*, instead of 6*l.*, as heretofore. The third amendment will be, that the sureties required by the Acts 11th of George IV. and the 1st of William IV., shall be resident in the same parish with the party for whom they become sureties. By this plan, the occupiers of houses of bad character will be unable to obtain any sureties whatever, while respectable houses will still get them. I should be sorry to see the law brought back to what it was before the Beer Bill was established, when the sale of beer was entirely confined to the licensed victuallers. I wish to enable the poor man to obtain his beer, and to discourage the drinking of spirits. My fourth amendment is, that "from and after this time, justices shall be empowered to grant licences for the sale of beer and cider only." Under the existing Act, the moment a magistrates' licence is granted, the party is entitled to a spirit licence from the excise. There is also another amendment which I shall be very happy to move, "That the price of the licence shall be raised,"—which will put an end to all those beer-shops, the occupiers of which have no capital whatever. A man who has to pay for an 8*l.* or 10*l.* licence must expect to sell a considerable quantity of beer to meet that expense. I shall submit these amendments to your Lordships, and should be very happy indeed if you would adopt them; we should then succeed in obtaining some measure; on the contrary, if we pass or reject this Bill, I am confident the present law will continue another Session.

The MARQUESS of WESTMINSTER.—I should like to know what the intentions of the Noble and Learned Lord are?

LORD BROUGHAM.—I wish that my Noble Friend (the Marquess of Salisbury) should propose his alterations on the third reading; and if those alterations are adopted, then reject the Bill on the motion, "That this Bill do pass." My Noble Friend (the Marquess of Westminster) asks what my plan is? It is to persevere in hearing everything that is to be said on the subject; and if I am convinced that the Bill ought to be rejected, I shall vote against it; but if I be convinced that the Bill ought to pass, I shall vote for it. At present I am, certainly, strongly disposed to press the third reading. I cannot concur in the amendments proposed by the Noble Marquess.

The MARQUESS of WESTMINSTER.—Would the Noble and Learned Lord have any objection to postpone the Bill for ten days or a fortnight?

LORD BROUGHAM.—Oh no! I certainly cannot consent to do that. The delay which has already taken place only appears to increase the Noble Marquess's hostility to the measure. I wish the amendments to be fully discussed and decided upon; and I am also anxious to hear the reasons of my Noble Friend (the Marquess of Westminster) upon the subject.

The MARQUESS of WESTMINSTER.—I understand, then, that the Noble and Learned Lord is determined to persevere with his Bill; in which case, thoroughly convinced, as I am, that it is a most pernicious and cruel measure, harsh and unjust in an especial degree to a class of very deserving persons, I shall propose to your Lordships to say "Not content" to the question for the third reading. A Bill of this kind ought to have originated in the House of Commons. If it be necessary to work a reform in matters of this kind, the Legislature ought to begin with the gin-palaces, then proceed to the public houses, and, finally, as the least mischievous, to deal with the beer-houses. It is said that these beer-shops are established in remote villages, and that scenes of great depravity take place in them, in consequence of their sequestered situation. A little attention, however, on the part of those who are so loud in complaining of such evils, would remove all ground for complaint. Though the brewers are hostile to the measure now in operation,—and I think it a reflection on them that they should be so,—they have derived great benefits from its enactment; for the

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consumption of malt has been considerably increased since the period at which it passed. With regard to the number of presentments of grand juries which have been made throughout the country against this Bill, of which much has been said, what may your Lordships suppose their number to be? A hundred? Fifty? What may your Lordships imagine were the returns for three years throughout the whole country? It does so happen that the presentments throughout all England, for three years, amount only to twelve! Another return of the cases which were decided in petty sessions, in a population of 14,000 people, shows an average of only 4½ cases in a year; and in the last three years that number has been decreasing. The beer-sellers are only anxious to disprove the assertions of my Noble and Learned Friend, and to prove the truth of what I state. I know that there is great reluctance to hear evidence on such a subject; that your Lordships would not be much disposed to hear such evidence at the bar; but still—it is the best plan with regard to justice. I have had letters from all parts of the kingdom, complaining, extremely, of the way in which the question has been treated by my Noble and Learned Friend. The Noble and Learned Lord's comments have certainly been very strong; but the persons who have written are, generally speaking, more offended at him for undervaluing their property, than for anything else. I certainly, on a former evening, gave my opinion in favour of some further restrictions being added to the Beer Bill; but I have since altered my opinion. I am perfectly satisfied with the law as it stands, as regards the liabilities of beer-shop keepers. With respect to certificates, the parties are obliged to obtain fresh ones every year. Secondly, to give bonds as security for payment of penalties they may incur by violation of the law. For their licences they pay five guineas. In the year 1837, the payments for licences amounted to 132,542*l*. The time they are allowed to keep open is from five in the morning to ten at night. In addition to this, a conviction, upon a charge of offending against the law, works a forfeiture of licence. Therefore I repeat that I am perfectly satisfied with the law as it stands; and, consequently, beg to move that the Bill of my Noble and Learned Friend be read a third time this day six months.

LORD DACRE.—I trust your Lordships will allow me to trespass on your indulgence for a few moments. I think it is of great importance, in so far as the House is bound, by former legislation, to consider the various interests which are involved in this measure. I will state to your Lordships why I differ from the whole of the Bills which have yet been brought forward on this point. The Noble Marquess seems to consider that the present Beer Act is a perfect measure. On that point I shall not dwell, because it has been my misfortune to see a boundless increase of drunkenness, debauchery, and immorality of every description springing from beer-houses. But though I differ from the Noble Marquess in not thinking the Act perfect, yet I scarcely differ less widely from those who advocate the total and absolute repeal of that enactment; and I differ from them, considering the vast amount of capital which is engaged not only in the retail beer trade, but also in the manufacture of beer. One of the great objects anticipated to be gained from the operation of the present law was to raise a competition in the manufacture. The system which that measure was introduced to correct, placed both sellers and buyers too much under the victuallers. It was found that adulteration began with the victuallers; and thus the consumer was obliged to take an inferior, and often pernicious, article, for the same price that he ought to have paid for the genuine one. The remedy for this was the existing Beer Law. The source of many of its evils arises from the facility with which persons can obtain licences. Now, if the number of beer-houses were proportioned and limited to the demand, the evils hence arising would be corrected; and I think that some measure should be adopted for ascertaining the demand, and proportioning the number of beer-houses throughout the country accordingly. It strikes me that the magistrates are not the proper persons to make this estimate of what number of these houses would be sufficient for any given district; it ought to be done by the consumers themselves. I should, therefore, be inclined to propose that no more than a certain number of beer-houses should be established among a certain amount of population; for instance, one beer-house to every 500 persons, or, what is the same thing, for every hundred heads of families. Certificates might be called for from the ratepayers for the purpose of insuring the character and good conduct of the keepers of the houses. In that case we should have no instances of persons going to keep beer-houses at the remote corners of lonely heaths, when they must look for their livelihood to the

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custom of considerable numbers of persons. I think the amendments of the Noble Marquess (the Marquess of Salisbury) objectionable, inasmuch as they do not meet the evil at all. The alteration of system which I have indicated would, on the contrary, meet the evil, at the same time that it would not interfere with the due supply of the wants of the poor,—for wants, I maintain, they are, and they ought to be considered and provided for. "But," say some persons, "let these houses be governed by the same regulations as the licensed victuallers." This, however, would be most unjust; for the objects of the victualling house and the beer-house are totally different: the one is intended for the accommodation of travellers, and therefore must be kept open to a late hour; the other is for the reception of the labouring classes,—tippling houses they would have been called in old English,—and, though there is no need for keeping them open to such late hours, yet I will say that the poor ought to have a place where they may get a wholesome beverage, and enjoy the warmth of a good fire, after a cold day's work in winter. For these reasons I feel inclined to vote against all the amendments.

LORD ELLENBOROUGH.—I cannot but observe that the House of Commons, for some time past,—and certainly not less so, since the Reform Act,—have shown a disinclination, to receive very favourably, Bills which are sent down to them from your Lordships' House: the House of Commons appear not to desire that your Lordships should take the initiative in any measure. Hence I think it is not improbable that this Bill may be rejected there. Whether or not the Bill is an interference with the privileges of the Commons, I will not take upon myself to say. I am told that, strictly speaking, it is not; but it may, and very likely will, be so represented to the House of Commons; and therefore the Bill may be at once rejected. Any amendments and improvements which any of your Lordships may feel inclined to make, ought to be made as speedily as may be convenient, since your Lordships may not have another opportunity for this purpose. With regard to the measure itself, I confess I think that my Noble and Learned Friend opposite (Lord Brougham) is somewhat too hasty; he is proceeding too rapidly in putting an end at once to the present Beer Act. But then, on the other hand, I cannot agree with all the amendments which have been suggested. It would be better, it is said, to have a more efficient system of police. I do not think that any such measure could be efficient in a case of this kind. There may be riotous conduct exhibited in some of these houses occasionally; but to this I do not feel disposed to attach a very great degree of importance. It is not the riots in beer-houses, but the resort thither, that are ruinous to the morals of the peasantry. Every comfort which attends them, there, is bought at the expense of the comforts of their wives and families. If the labourer goes to the beer-shop daily, he must spend, there, more than the price of his firing, and more than half the amount of his rent. It is the resort, therefore, that is ruinous. No police measure will do. But I beg to submit to your Lordships, whether you will read this Bill a third time and pass it, together with the amendments of the Noble Marquess (the Marquess of Salisbury)? for those amendments, in fact, constitute an entirely new Bill.

[Cries of "Hear, hear!"]

The Noble Marquess's Bill is a Bill of regulation; my Noble and Learned Friend's Bill is a Bill of enactment. Under these circumstances, if your Lordships are not disposed to adopt the measure and the amendments at once, I believe the proper course would be to recommit the Bill, which would give time and opportunity for consideration. Before I conclude, I must beg to observe that I think it remarkable that the Noble Viscount opposite has not yet stated what are the intentions of Government on this subject. The Noble Viscount, indeed, said that he could hardly believe that my Noble and Learned Friend was serious in bringing in a measure for the alteration of the Beer Law; but that was stated of the former measure, not of this. I will say, that this question is one of immense importance to the morals and happiness of the people; and the Government are bound to form an opinion upon it, and to express that opinion when called upon.

VISCOUNT MELBOURNE.—I have felt much pleasure in listening to the speech of the Noble Baron. I concur in almost every word of what has fallen from my Noble Friend on this occasion. I feel, very much, the great, the paramount importance of this question; I feel that I cannot look to the great body of evidence which has been drawn together in relation to it,—I cannot consider the generally expressed opinion of the people, repre-

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sented, as it is, by the voice of such respectable bodies, who have had the best means of obtaining information, and who possess abundant experience on the subject,—without my being compelled to admit the evils of the present measure — to admit, indeed, the failure of the present measure. I am compelled to agree that there are great evils attaching to the existing law; but I cannot believe that its enactment and operation have changed the whole morals of the country — made a quite different scene of the whole land — and altered, as it were, the whole nature of man. As to those who use such language, it is enthusiasm which carries them away. At any rate, it is impossible for me to think that so great a difference exists between the operation of the small victualling houses upon the morals of the people, and that of the beer-houses; I cannot think that the step between being licensed by the excise and being licensed by the magistrates can be so different. Licensing houses for the sale of spirits are, I believe, a matter of ancient regulation; but your Lordships ought to remember that, after all you can do, after a long experience of the working of the system, there are still evils arising out of it. After all you can do, there ever will occur scenes of disorder in such places. This arises from the nature of the case. Crimes ever will be planned and brought to maturity in these places; but that is because they are places of meeting, not because liquor is sold there. Where are thieves to meet? They must meet somewhere to concert their plans; and the most convenient places are houses of this description: there they go, ostensibly for other purposes, where their real intentions cannot be questioned. Do what your Lordships will, legislate as you will, these things, in those places, will always subsist; no changes which may be made can alter the nature of the system; but, in my opinion, it would be a nugatory act, on your Lordships' part, if your Lordships were to pass the Bill of my Noble and Learned Friend. Indeed, my Noble and Learned Friend proposed it, apparently, without much confidence in its success, and in a faltering manner.

LORD BROUGHAM. — No, no!

VISCOUNT MELBOURNE. — Yes; my Noble and Learned Friend certainly spoke without confidence of the ultimate success of the Bill; my Noble and Learned Friend said, "We will send this Bill down to the other House; but if they find anything to add which will make it more effectual, we will be very glad to receive it at their hands; but, as it is, I don't place much reliance upon the measure." This Bill, I am disposed to think, deals in too rough and hasty a manner with property. Your Lordships may remember that you dealt very roughly with property when you passed the original Beer Bill; because, by adopting the system of beer-houses, you greatly deteriorated the value of the public houses of the licensed victuallers, on which great sums had been laid out; you deteriorated property of this kind to a very considerable extent. Noble Lords who are conversant with the country, know this well. Your Lordships lately conferred a great boon on the trade by taking off the beer duty; and now you are asked to interfere with the property which was invested under the arrangements then made, without giving any equivalent advantage to the trade. The number of the beer-sellers is about 45,000, that of the licensed victuallers 55,000: the amount of revenue received for the licences of the beer-sellers was 183,000*l.* in 1837; the amount arising from those of the licensed victuallers, for the same year, was 91,000*l.* The quantity of malt for which duty is paid has incredibly increased under the present system; but that result, I admit, is chiefly to be ascribed to the reduction of the duty, and the growth of the population and consumption of the country. The number of victuallers occupying houses rated under 12*l.* appears, by the Return, to be 18,878; that of beer-sellers is 15,515, — which, I apprehend, considering the relative numbers of the different classes, places them much upon a par. The number of beer-sellers brewing their own beer, in 1837, was 16,800. As to the penalties for the adulteration of beer, there have been fewer convictions among the beer-sellers, I understand, than among the licensed victuallers. On the whole, it appears to me that it would be very unwise and imprudent to pass this Bill, which I think a rash and hasty measure. There is a great deal, also, in what has been said by the Noble Lord opposite, with respect to the impolicy of originating this Bill in your Lordships' House. I do not wish to say much on this subject; but I apprehend there can be no possible doubt that this is a Bill which, if sent down to the House of Commons, cannot pass; and I appeal to your Lordships to pronounce whether, under these circumstances, it would be wise and prudent to send it there? There is another reason why I think your Lordships should not send it to the other House. From all

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that I can learn, — and I have spoken with persons who have made careful inquiry, — there is not one man in the House of Commons in favour of it. From all I can understand, there is no reformer of beer in that House, who is for going all the lengths of this Bill; and therefore no very sanguine hopes of its success, there, can be entertained. This is, altogether, a subject of the greatest importance, which well deserves the care and attention of Parliament, upon which your Lordships should well consider what steps should be taken, and whether you ought not to apply to it uniform legislation. The real point of the question, which has been touched upon by several Noble Lords, is this; — whatever rules you establish, unless there be the means of enforcing them, they will, to a certainty, be totally idle and useless. The Noble and Learned Lord has well shown, in his speech on the second reading of the Bill, that it is vain to complain of laws or magistrates, if there do not exist sufficient means to put those laws into execution. Your Lordships may depend on it that the real cure for the evils of disorder and irregularity in the administration of such laws as the Beer Law, is — to arm the magistracy with greater power for enforcing their due observance. Depend upon it, that until this is done, not all the laws you can pass in this House will be of any service. It is not necessary to have so large a machinery for that purpose as is generally thought to be required; the measure would not involve such great expense. It has been well observed that, for a long period, very little alteration has taken place in the constabulary. It is true, that that force has become inadequate to the necessities of the present times. A very few men in the country, who are really to be relied on — firm, and resolved to do their duty, — can do a great deal in carrying the law into effect. It does not require so great an expense, or so large an establishment, as is supposed to be necessary, to put the constabulary force upon an efficient footing. Very strange prejudices are afloat upon this subject; — it is supposed to be connected with the liberty and constitution of the country. I never could understand what connection there could be between liberty, and licentiousness — between liberty and impunity for crime. I have always thought that liberty is best secured by a regular and firm administration of the law; and in my conscience I consider that that is one of the great objects to which the attention of Parliament and the country should be directed. But it does not appear to me that it would be wise or prudent, even for the objects your Lordships have in view, to pass this Bill.

LORD BROUGHAM. — I never heard a speech, from any person, which betokened so entire and dark an ignorance of every part of the subject to which it related, as that which has been just delivered by my Noble Friend near me. My Noble Friend has told your Lordships that there can be no possible difference between the behaviour of a man licensed by the magistrates, and that of a man licensed by the excise. What ignorance is here! Why, there must be all the difference in the world. A mere name seems to have the power of taking in my Learned Friend — I beg pardon, my Noble Friend. God knows, I cannot call him learned, — at least on this subject; — well, then, my Noble and "ignorant" Friend. The magistrate gives this licence during good behaviour; and if the good behaviour ceases, the licence ceases also. The only condition of retaining the excise licence, on the contrary, is the payment of 3*l*. This has the effect of making the public houses well conducted, and the beer-houses ill conducted. My Noble Friend near me (Viscount Melbourne) says, that the difficulty your Lordships have to contend with is, that the law, as it at present stands, is unavailing for the purposes of keeping those houses in order, and that some police regulation is necessary to effect this object. This may be all very true, and no doubt is so; but it does not justify hostility to this Bill. For what is this Bill? Why, nothing more than merely reducing the law, in relation to licensed houses, to that state in which it formerly stood. This is exactly what it proposes — nothing more nor less. I am sorry to see, from the aspect of the House, that the present critical hour has had the effect of sadly thinning your Lordships' numbers. Your Lordships like the Beer Bill little, but you like remaining in the House after half past seven o'clock, still less. Your Lordships like to see a good state of morality in the country; the tranquil order of society you dearly love — it is the very apple of your eye; but there is another affection operating upon certain delicate organs in the constitution of Noble Lords, still more intimately than on those connected with the peace, order, and purity of society, and reminding them of what has been called the most important event of existence — that of dinner. But my observation is not confined to the lay Lords; it extends equally to those who are the appointed guardians of public morals and virtue. How often have I heard the beer-

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houses denounced by the Right Reverend occupants of that bench! There is hardly a bishop whom I have not heard imploring your Lordships, from that very place, "for God's sake, to apply a remedy to that which makes all our preaching and teaching vain — to reform those nests of drunkenness — to remove those moral plagues." And now that I come forward at their instigation, — now that I lend myself as their coadjutor, — now that I put myself, as an humble instrument, in the hands of the guardians of morality and religion, — but two out of six-and-twenty Right Reverend Prelates will sacrifice their dinner,—their regard to their belly, which is their God.

The MARQUESS of SALISBURY. —I rise to order. I move that the Noble and Learned Lord's words be taken down.

LORD BROUGHAM. — That they may be taken down correctly, I think I had better repeat them. I was saying that the bench of bishops ——

LORD KENYON. — I rise to order. The moment the words are objected to, no time should be lost in taking them down.

LORD BROUGHAM. — I am just repeating them, that the clerk may be at no loss. The bench of bishops, more than all the lay peers of the realm, have expressed their strong sense of the evil effects of beer-houses on the moral habits of the people under their care, and it is chiefly at their instigation that I have brought forward a measure as their coadjutor, and an humble instrument in their hands, for the purpose of putting down what they abominate as prejudicial to the morals of the people ——

The MARQUESS of SALISBURY. — Those were not the words.

LORD BROUGHAM. — Allow me to finish the sentence; I am getting on. But I find that the whole twenty-six prelates ——

LORD KENYON. — I rise again to order. A Noble Friend of mine has called the Noble and Learned Lord to order, and he must state the reasons why he did call him to order.

LORD BROUGHAM. — The words must first be taken down.

LORD ELLENBOROUGH. — In point of fact, the opportunity has now passed. It is the strict rule of the House, from which there is no departing, that, when words used by a Noble Lord are objected to, they shall be taken down before any other speech or proceeding has taken place. This rule has not been adhered to in the present case; other observations have been made since those complained of were uttered, and therefore they cannot now be taken down.

The EARL of WINCHILSEA. — The Noble and Learned Lord, having no wish to shelter himself, is, as I understand, about to repeat the expressions which he used; and then, of course, they may be taken down.

The MARQUESS of SALISBURY. — I hope the Noble and Learned Lord will at least explain his meaning?

LORD BROUGHAM. — I have no objection to state my words. I said that the bench of bishops, at whose instigation I have brought forward this measure, and in whose hands I have been an humble tool, out of their great regard for the morals of the people, had sacrificed all personal considerations, and had attended by two of their body upon the present occasion; and, having the greatest veneration for the bench of bishops, I felt peculiar pain that no more of them were here. That is all I meant. My Noble Friend opposite (the Marquess of Salisbury), with that generous ardour which distinguishes natives of the Principality from the Saxons, hastened to interrupt me. My Noble Friend, perhaps, thought two quite enough of the bishops, and did not care so much about them; but I would fain have had the whole of the twenty-six here. I will now proceed to the arguments urged in reference to this Bill, and from the consideration of which I was diverted by the interruption just experienced. I have heard nothing whatever advanced against the measure now before the House that would justify me in giving it up. I have not taken up this question prematurely. I only brought it forward when I found that it had neither been taken up by the Government nor by any Member of your Lordships' House, — the feeling being general that some one ought to introduce a measure on this subject. The Noble Duke opposite (the Duke of Wellington) is of opinion — and to any opinion coming from such a quarter I always pay due respect — that a measure on this subject ought to emanate from the House of Commons. Well, I waited month after

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month — not day after day — to find whether any one would bring forward a Bill on the subject in the other House of Parliament. A Noble Friend of mine in that House gave notice of his intention to introduce such a Bill; and, in consequence of this notice, I postponed the consideration of the measure now before your Lordships. It, however, turned out that the original measure, of which notice had been given in the other House of Parliament, went off, and another was introduced, but which was entirely unlike that originally proposed, and, to my mind, quite ineffectual to meet the evils which were so generally complained of. Well, then, if such be the facts of the case, — if it appear that the House of Commons either cannot or will not bring forward such a measure as would be calculated to put down the grievance which is so seriously felt, — if that House neglect its duty in this particular, — is that a reason why your Lordships should neglect yours? As to the statement that the Beer Bill is not complained of by the country, I can only say that all lawyers are against it; and I know, full well, that all judges are opposed to it. Therefore it is, I now bring my proposition forward for getting rid of the evil complained of. If the House of Commons reject it, it will be a satisfaction to me to know that I have done my duty. Much has been said about my Bill interfering with the capital which has been embarked in the beer trade, and in the utensils employed in the manufacture of beer. I am sure that the magistrates, in granting licences, will attend to these things, and see that neither capital nor utensils are overlooked, when parties come to them to be licensed. There is nothing in this Bill that prevents magistrates from granting licences to every one of the 45,000 persons who are now selling beer, if they wish it. This Bill is not to put down beer-houses, — it is merely to place them under the control of the magistrates. I wish to give to the magistrates the same authority over beer-houses which they now possess over public houses; and, if your Lordships assent to a Bill giving this power, you may depend upon it the result will be, that the good beer-houses will be retained, and the bad ones got rid of; and, when this is done, care will also be taken that, where capital has been employed, either in utensils or any other way, the persons who have so employed it will have their cases specially attended to. Upon the whole, I have only to observe, that, in bringing this measure under your Lordships' consideration, I have merely done my duty. My wish is to see the habits and morals of the poor improved; and it is because I believe that an alteration of the Beer Act would materially tend to effect this object, that I bring forward this measure, to which I have been urged by your Lordships, — urged by the Right Reverend Bench of Bishops, who have given their pious testimony in reference to the evils of the present system, — to which I have been urged by the judges of the land, — to which I have been urged by the country gentlemen, by the magistrates of the country, and by (I need hardly say) the licensed victuallers of the country. I, however, have done my duty. Hereafter, I wash my hands of the measure, if it do not pass this night. However your Lordships may act with respect to it, I have the satisfaction of knowing that I have done my duty. It has been frequently urged, when objections have been taken to the working of the Beer Act, that your Lordships ought to give it a fair trial. Well, you have done so year after year, and still the evils of the measure become more and more apparent. My Noble Friend who has opposed this Bill asked whether the grand juries of the country had made presentments against the operations of the Beer Act? Had these presentments been to the extent of thousands, or even of hundreds? No, says my Noble Friend, the number of presentments has dwindled down to the magnificent *quantum* of twelve. But is it nothing, that those twelve presentments come from twelve different counties in England, all of which complain that these beer-houses are nuisances, — that they tend to increase crime, and to produce immorality amongst the labouring classes? It remains for me only to say, that, if this Bill do not pass, I shall, for the future, leave the matter in your Lordships' hands. I hope the Government will then take it up, — that they will make it an open question; but, whether the Government do so or not, this I will state at once, — that, if the Bill do not now succeed, I shall not further persist in it. I am, however, sanguine that it will succeed this night; but, whatever may be its fate, I now sit down, leaving it in your Lordships' hands to deal with it as you please.

The DUKE of WELLINGTON. — On the occasion of the second reading of this Bill, I stated that I had voted three or four times for other Bills, of which the object had been to amend the present system of beer laws; but the friends of that system had always had power in the House of Commons to defeat all measures

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for that object. Your Lordships are, therefore, at last brought to this stage, in which you are under the necessity of having recourse to a Bill which repeals all the existing system of beer laws. When the Noble and Learned Lord opened this measure to your Lordships, he stated what was perfectly true, — that there was considerable capital invested in different parts of the country; and he further said, that his object was to propose an Act which would give security to that capital. Indeed, the original principle of the measure, which allowed the sale of beer on the premises, but did not permit it to be drunk there, would have given security to that capital; but the Bill, which was sent to a select committee, came out of it without the clauses introduced for that purpose by the Noble Lord, and therefore without any security for capital. I should be glad to see this measure coupled with some such sort of proposition as has been made by my Noble Friend below me. I think that that object might be accomplished either by recommitting the Bill with a view to amending it, or else by taking certain clauses of it into consideration after the third reading shall have passed. I am of opinion that, if the latter course were adopted, your Lordships would be more likely to come to an agreement on my Noble Friend's amendments, and to render the Bill more like that which was originally introduced by the Noble and Learned Lord opposite. I confess that there is one proposition of my Noble Friend which appears to me well worthy of consideration; and that is, to enable the magistrates to license these beer-houses. The Noble Viscount, however, cannot see the difference between a beer-house licensed by the excise and a beer-house licensed by the magistrates. Now there is, as stated by the Noble and Learned Lord opposite, a very material difference between them. The licence of the excise goes on for ever; but the licence of the magistrates must be renewed periodically, and will not be renewed unless the man who keeps the beer-house conduct himself as the magistrates think that he ought to do. In conclusion, I will only state my opinion that, in passing this Bill with the amendments proposed by my Noble Friend, your Lordships will be more likely to meet the wishes of the other House of Parliament, and so to achieve that good which we all have in view.

The BISHOP of CHICHESTER. — I rise to repel the most uncharitable and unchristian attack that has been made upon the bench of bishops.

LORD ELLENBOROUGH. — If the Right Reverend Prelate wishes for peace, he is not taking the best means to procure it.

The MARQUESS of SALISBURY. — I am sure that the Noble and Learned Lord will withdraw the expression which has given such offence to the Right Reverend Prelate.

LORD BROUGHAM. — I have given, as I think, a satisfactory explanation of what I have already stated. If, however, the Right Reverend Prelate is anxious to enter into debate, I am quite ready to repeat my expressions.

The BISHOP of CHICHESTER. — I am the last person in the world to place myself in this position with your Lordships, but if ——

LORD BROUGHAM. — I have nothing more to say, my Lords. Go on, go on!

LORD KENYON. — I rise to order. It is with great regret that I interrupt any of your Lordships who sit on the bench of bishops: but I am sure that if the Right Reverend Prelate will only turn his mind to the practical results which must arise from his present course of observation, he will see that they cannot tend to the preservation of order; for it is a rule, never, I believe, departed from in this House, that when a Noble Lord retracts an expression, he should be considered as not having made use of it. It is, therefore, not competent for the Right Reverend Prelate to pursue the strain of reflections on which he appears to be entering.

The BISHOP of CHICHESTER.—As far as I, myself, am concerned, I only meant to say that the Right Reverend Prelates, whose absence this night has been impugned, have been employed, one and all, for five or six hours this day in committee upon the Church Building Bill, and also upon the Church Discipline Bill. I know that not one of them had dined at seven o'clock; and I believe that they have, all of them, been engaged this day from nine o'clock in the morning on public business.

LORD BROUGHAM. — I do not wish any person to stand in the way of the

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castigation which the Right Reverend Prelate seems inclined to bestow on me. This, however, I must say, — if the Right Reverend Prelates have been employed in committees all day, so, too, have the laity; and I, myself, had no more dined at eight o'clock this day than the Right Reverend Prelates dined at seven. No expression that I used was so disorderly as that which dropped from the Right Reverend Prelate. I only quoted from Milton.

LORD PORTMAN. — I think the best course for your Lordships to pursue is, to vote for the third reading of my Noble and Learned Friend's Bill, and thus have a plain and straightforward mode of proceeding. I believe your Lordships will do a better service, as regards the object which you have in view, — which is to get some positive enactment in order to put an end to the evil that at present exists, — by supporting the Bill now before your Lordships, than by consenting to recommit it for further consideration. If this House show to the country, and to the other House of Parliament, that it is prepared to go the full length of this measure, you will have a proposition sent from that House, of a nature more likely to meet the concurrence of your Lordships than any which has yet been made. Of all the suggestions that can be offered on this subject, those of the Noble Marquess are, in my opinion, the most objectionable. Were your Lordships to agree to them, I am convinced that you would never hear of beer-shops being abolished. With regard to the Bill of my Noble and Learned Friend, — although it will not, I am sure, be as effectual as he thinks it will, — I repeat that the best course for this House to adopt is to give it a third reading. I am sure, as between the question of a committal and the third reading, there cannot be a shadow of doubt that the latter is the proper course to take.

EARL DELAWARR. — I beg to express my humble thanks to the Noble and Learned Lord opposite — if he will choose to accept them — for his exertions towards remedying the crying grievances which now exist with regard to beer-shops; and, however much I may regret to oppose the amendments of my Noble Friend (the Marquess of Salisbury), I feel bound to support the Bill as it now stands.

The House then divided; when there appeared —

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The EARL of CHICHESTER. — As regards the question before the House, I need only say that I should be sorry to see all kinds of beer-shops abolished. I also think it would be inexpedient to supply their place by an increased number of public houses, where spirits would be sold. The evils now complained of would, I believe, be best corrected by retaining a certain number of beer-shops, and placing them under stricter regulations, — under the direction of the local magistrates. With the view of making provision to that effect, I beg to move that the Bill be recommitted.

LORD BROUGHAM. — I apprehend there will be some objection, in point of form, to recommit a Bill which has been read a third time.

The MARQUESS of SALISBURY. — The Bill has not yet been read a third time; and therefore it is quite competent to my Noble Friend to move the recommittal.

Question, "That the Bill be recommitted for Monday next," resolved in the affirmative. Bill recommitted accordingly, and the Lords summoned.

HIGH SHERIFFS' EXPENSES BILL.

Brought from the Commons; read a first time, and to be printed.

SCOTCH CHURCH.

Petition against further endowment of, — of the United Secession congregation of Minghine. — Read, and ordered to lie on the table.

BEER ACT IN PART REPEAL BILL.

Petitions for compensation in the event of the Bill passing into a law, — of beer retailers of the Isle of Thanet, situated at Ramsgate and Margate; of George Macklin, of Marlborough, licensed seller of beer and ale by retail; and of John Godwin, of Swindon, licensed seller of

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beer and ale by retail. — Read, and ordered to lie on the table.

BEER ACT.

Petition against alteration of, — of retailers of beer in the district of Brixton and borough of Southwark. — Read, and ordered to lie on the table.

ESTABLISHED CHURCH (CANADA).

Petitions for the protection of, — of the minister, churchwardens, and inhabitants of Bradford; and Herringfleet Sound, Somerleyton, Bradwell, Gorleston, Burgh Castle Ashby, Fritton, Blundeston, Hopton, and Belton: and of the clergy of Wallingford. — Read, and ordered to lie on the table.

POSTAGE.

Petitions for the reduction of the rate of, — of the mayor, aldermen, and councillors of Neath; and Falmouth: of members of the Library of the People, or Boston Public Library: and of inhabitants of Skeeby; Gilling; Madeley, Ironbridge, and Colebrookdale; and Brumpton upon Swale. — Read, and ordered to lie on the table.

MAYNOOTH COLLEGE.

Petition against any further grant of money for the support of, — of inhabitants of Blendworth. — Read, and ordered to lie on the table.

ESTABLISHED CHURCH.

Petitions against any measure having for its object the reduction of cathedral dignities, — of clergy and inhabitants of Aylsham; and of inhabitants and landowners of Wrington. — Read, and ordered to lie on the table.

SABBATH.

Petition for the better observance of, and for suspension of the business of the Post Office on the Sabbath, — of inhabitants of Chester. — Read, and ordered to lie on the table.

BEER ACT.

Petition for alteration of, — of licensed victuallers of Blackburn. — Read, and ordered to lie on the table.

EDUCATION (NATIONAL).

Petition against the plan recommended by the Privy Council, — of inhabitants of Dunstable. — Read, and ordered to lie on the table.

PAPERS.

The Lord Chancellor acquainted the House, That the clerk assistant had prepared and laid on the table of the House, pursuant to order of the 16th of April last, an abstract of the Return, delivered to this House on the 12th of April last, of the number of illegitimate children registered by the clergymen of the different parishes in the several counties comprised in the said Return, during the three years ending the 31st of December, 1834, and also during the three years ending the 31st of December, 1837. — The same was ordered to be printed.

Certificate of the Lord Chief Justice of the Court of Queen's Bench of the necessity for filling up the vacant office of one of the five Masters of the said court. — Delivered (pursuant to Act), and ordered to lie on the table.

Adjourned.

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HOUSE OF COMMONS.

PRIVATE BUSINESS.

Deptford Pier and Deptford Pier Junction Railway Bills.—Petition of Samuel Collingwood, against.—To lie on the table.

Deptford Pier Bill.—Reported; Report to lie on the table.

Deptford Pier Junction Railway Bill.—Reported; Report to lie on the table, and to be printed.

London Corporation Estate Bill.—Reported, without amendment; to be read a third time to-morrow.

Kingston upon Hull Docks.—Report (14th of May) from the Select Committee on Standing Orders, read; Bill ordered to be brought in by SIR WALTER JAMES and Mr. BROADLEY.

Belfast Water (*No.* 1.).—Report (10th of June) from Select Committee on petitions for Private Bills, read; Bill ordered to be brought in by Mr. O'CONNELL and COLONEL VERNER.

Moy Navigation Bill.—Report further considered (prints having been delivered on Thursday, the 13th of June); amendments agreed to; other amendments made; Bill to be ingrossed.

Brompton New Road Bill.—Time enlarged for committee to report till Monday, the 24th of June.

Reading Estate Bill; Mellin's Divorce Bill.—Read a first time; to be read a second time.

Kingston upon Hull Docks Bill,—"For empowering the Dock Company at Kingston upon Hull to purchase and hold certain Lands at or near Kingston upon Hull, and for other Purposes therein mentioned."

Belfast Water (*No.* 1.) *Bill,*—"To establish a Company for better supplying with Water the Inhabitants of the Town of Belfast, and the Suburbs thereof."

Presented, and read a first time; to be read a second time.

The following Bills were severally read a second time; and committed as follows:—

Rathkeale (*Limerick*) *Inclosure Bill,*—To Mr. WILLIAM SMITH O'BRIEN and the Munster list.

Ivanoff's Naturalisation Bill,—To Mr. HATTER and the West Somerset list.

Sharpe's Estate Bill,—To Mr. LISTER and the West Riding of York list.

Duke of Buckingham's Estate Bill,—To SIR THOMAS FREMANTLE and the Bucks list.

London City Police Bill.—Third reading deferred till Wednesday.

PUBLIC BUSINESS.

MESSAGE FROM THE LORDS,

That they have agreed to—Edenfield and Little Bolton Road Bill; St. Leonard's and Sedlescomb Road Bill; West Beckham and Alby (Norfolk) Inclosure Bill; Hartishead or Dewsbury (York) Inclosure Bill; Almsworthy (Somerset) Inclosure Bill; West Croft (Nottingham) Inclosure Bill, without amendment: Bristol and Gloucester Railway Bill; Manchester and Leeds Railway Bill; Nottingham Common Fields Inclosure Bill, with amendments.

That they have passed a Bill, intituled, "An Act to enable the Mayor, Aldermen, and Burgesses of the Borough of Reading, in the County of Berks, to sell certain Real Estate discharged from certain Liabilities, and to invest the Purchase Moneys arising from such Sales in the Purchase of other Real Estate to be charged with such Liabilities."

Also, a Bill, intituled, "An Act to dissolve the Marriage of Richard John Sutcliffe Mellin, Esquire, with Jane Mellin, his now Wife, and to enable him to marry again, and for other Purposes therein mentioned."

That they do request, That this House will be pleased to communicate to their Lordships a copy of a Report made from

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the select committee appointed by this House in the present Session of Parliament to inquire into the mode of granting and renewing leases of the landed and other property of the bishops, deans, and chapters, and other ecclesiastical bodies of England and Wales, and into the probable amount of any increased value which might be obtained by an improved management, with a due consideration of the interests of the established church, and of the present lessees of such property; together with the minutes of evidence taken before the committee, and the Appendix and Index thereto. — House will send an answer.

Answer to Addresses for papers (10th, 11th, 12th, 13th, and 14th of June) reported.

PAPERS.

The following Returns, &c. were severally presented, and ordered to lie on the table; namely, —

Corporal Punishments, &c. (Army). — Return of soldiers of the royal artillery, &c. who suffered corporal punishment in 1838 (ordered 23d of April).

Courts of Request. — Returns relating to courts of request in England and Wales (Address 15th of August, 1838).

County Courts, &c. — Returns relating to county, hundred, and borough courts (Address 15th of August, 1838).

Canada. — Return of sums paid to Sir Francis Head, as Lieutenant Governor of Upper Canada, as outfit, &c. (Address 30th of May). — To be printed.

British North American Provinces. — Copies of correspondence respecting the Indians (Address 11th of June). — To be printed.

Public Petitions Committee. — Twenty-ninth Report brought up, and read. — To be printed.

MISCELLANEOUS PETITIONS.

The following petitions were severally presented, and ordered to lie on the table; namely, —

Metropolitan Police Courts Bill, — By the sheriffs of London, — of the Lord Mayor, aldermen, and commons of London, against.

Metropolis Police and Metropolitan Police Courts Bill, — For compensation for loss of emoluments, — from George Charles Fletcher, clerk of the sessions for the western division of the hundred of Brixton; and Benjamin Field, clerk to the magistrates of Clapham.

Postage, — By Mr. Barnard, Major Macnamara, Mr. Jones, and Mr. T. Attwood, for a low and uniform rate, — from Saint Paul, Deptford; Waterford; Quin; Blackauton; Maidstone; members of the central board of the Association of all Classes of all Nations; Birmingham (two petitions); Devonport; Llandilo; Clapton; Hackney; Clapton and Hackney (two petitions); Stratford; and Belturbet.

Education, — By Mr. Halford, Mr. Blackburne, Sir E. Filmer, and other Honourable Members, against the proposed scheme, — from Derby; Ashburton; West Orchard; Stoke Golding; Clitheroe; East Peckham; Wallingford; Saffron Walden; Bassalleg; East Ilsley, West Ilsley, and Compton; East Betchworth; Bosham; Halsted; Sherford; Hamstreet and Halden; Clifton; Dartmouth; Hardness; Sharow; Falmouth; and Aldfield.

By Mr. Baines, Mr. Leader, Mr. H. Berkeley, and Mr. Sanford, in support of the proposed scheme, — from Banwell; chairman of the Bridgewater Protective Society; Yeovil; and King's Lynn.

Ballot, — By Mr. Baines, Mr. Leader, and Mr. Sanford, in favour, — from Leeds; chairman of the Westminster Reform Society; Yeovil (chairman of a meeting); and Wiveliscombe.

By Lord James Stuart, — from Irvine, against.

Canadian Prisoners, — By Mr. Leader, — of John Goldsworthy Parker, Finlay Malcolm, and others, prisoners now in England, who were committed to prison in Canada under a charge of high treason, praying for the interference of the House to prevent their transportation without trial. — To be printed.

Marine Insurances, — By Mr. Barron, — of the president of the Chamber of Commerce of the city of Waterford, for repeal of duty.

Church of Scotland, — Against further endowment, — from Campbeltown; and West Calder.

In support, — from Kennoway; St.

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David's, Edinburgh; Croy; Inveraven; and East parish, Aberdeen.

Maynooth College, — By Mr. LITTON and SIR R. INGLIS, against further grant, — from Coleraine; Abbeyleix; Durrow; Chryston; and Maryhill.

By SIR R. INGLIS,—from White Roothing, for inquiry into the education and doctrines taught in that college.

Church Establishment (Canada, &c.), — By SIR R. INGLIS, for extension, — from Fontmell Magna; Ashmore; Handley; Bulmer, &c.; Southampton; Bettws Newydd; Troshey; Wallingford; Llanellan; and Llanover.

Municipal Corporations (Ireland) Bill, — By Mr. LITTON, against, — from Durrow; Galway; and Abbeyleix.

Lord's Day,—By LORD VISCOUNT POWERSCOURT, from Bath, — for securing the stricter observance thereof.

Queen's Printer (Scotland), — By Mr. MACAULAY, — of the moderator and clerk of the synod of the United Secession Church, in favour of the unrestricted printing of the Bible.

Spirits (Ireland), — By Mr. LYNCH, for permitting the sale thereof by grocers, — from Kilrush; and Galway.

Corn Laws, — From Athenry, for repeal.

Poor Employment, — By Mr. T. ATTWOOD, — from Birmingham, for consideration of the plans of Mr. Robert Owen.

Army, — By Mr. W. ROCHE, — from Limerick, for enabling Presbyterian soldiers to participate in the services of their church.

John Frost, Esquire, — By Mr. T. ATTWOOD, — of delegates of the industrious classes, complaining of the removal of the name of John Frost, Esquire, a magistrate of the borough of Newport, Monmouth, from the commission of the peace, on a charge of using inflammatory language at a public meeting, and praying for his restoration to the commission.

Highways Bill, — By Mr. T. ATTWOOD, of the chairman of the Board for the Repair of the Highways in Duddeston and Nechells, against.

John Hindes, — By Mr. T. ATTWOOD, — of John Hindes, an out-pensioner of Greenwich Hospital, complaining of the stoppage of his pension for having attended a public meeting to consider the propriety of adopting the national petition.

Poor Law Amendment Act, — By Mr. SANFORD, for amendment, — from Langford Budville; and St. Giles, Camberwell (chairman of the meeting).

Education (Ireland), — From Coleraine, against the present system.

Railways (Ireland), — By Mr. BARRON, — of the president of the Chamber of Commerce of Waterford, for the construction of a branch railway from the main line to Waterford.

Medical Profession, — Of licentiate apothecaries of Dublin, praying that the Irish portion of the evidence taken before the Select Committee on the Laws, Regulations, and Usages affecting the Medical Profession, in 1834, may be printed. — To be printed.

Idolatry (India), — By SIR W. FOLLETT, for preventing the interference of British authorities in the management of idolatrous ceremonies, — from Exeter; and Sidmouth.

Ecclesiastical Duties and Revenues Bill, — From East Peckham, against.

Rational Religion, &c., — By Mr. T. ATTWOOD, — of Robert Owen, president of the Congress of the Universal Community Society of Rational Religionists, for inquiry into the information collected by the society.

Public Charities, — Of Captain George W. Manby, for extending the proposed inquiry on the subject of public charities to bequests specifically made for the preservation of life.

Sale of Beer Act, — By SIR C. BLUNT, — from Lewes, for amendment.

County Courts Bill, — By Mr. HAWES, — from Norwich, against. — Referred to the select committee on the Bill.

Foreign Apples, &c., — For increase of duty on foreign fresh fruit, — from Dartford union; and Bromley union. — Referred to the Select Committee on Foreign Fresh Fruit.

CHURCH RATES.

Mr. F. KELLY. — Before the Order of the Day is read, I wish to ask the Noble

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Lord the Secretary of State for the Home Department, whether it is the intention of her Majesty's Government to bring forward any measure during the present Session for the settlement of church rates? I put this question to the Noble Lord so far back as April last; and at that period the Noble Lord replied that he should be able to give an answer to the question in a week or ten days; but from that time to the present I have not heard whether any steps are to be taken for that purpose, or not.

LORD JOHN RUSSELL. — Had the Honourable Member renewed his question at the time he alludes to, I should not have had any hesitation in stating that no Bill will be proposed during the present Session for the settlement of church rates.

PRIVILEGE — STOCKDALE v. HANSARD.

Order for considering Second Report of Select Committee (the 15th of June) read; Report again read.

LORD JOHN RUSSELL.—Not having been one of the majority of the Committee on Printed Papers, by whom this Report was agreed to, I feel obliged to say that, if any proposition is to be made to the House on behalf, and as representing the opinion, of the majority of that committee, I am perfectly ready to allow that proposition to be first made, as what I have to submit to the House can be proposed afterwards. At the same time, I am perfectly prepared, at present, to state what is the course which the House, in my opinion, ought to adopt.

Mr. WYNN. — Whatever may be the course which the House shall ultimately adopt, I apprehend that it would be most fitting, in the first place, that her Majesty's Ministers, who have proposed the appointment of this committee, and who have hitherto moved in all the steps which have been taken by the House in this business, should explain to us the course which they now propose that the House should pursue. It is for the Government to propose a plan, and for the House to determine how far they will act in pursuance of it.

LORD JOHN RUSSELL. — I have already stated that I am perfectly ready to explain to the House what is the course which I think the House should now pursue. At the same time, I must remind Honourable Members that the question before them relates to the privileges and powers of the House of Commons, as the House of Commons; — and does not in any way relate to the conduct of the Government, as a Government. I feel it necessary, that, under present circumstances, some course of proceeding should be proposed without any further lapse of time, because, to-morrow, a very important step will be taken in the proceedings in the action, with respect to which the House has already taken certain measures. If I did not feel it to be so necessary that some permanent decision should be come to by the House, I should rather refrain from submitting any measure or resolution of my own, and leave it to those who have more deeply studied the question of privilege, to propose what they would, no doubt, recommend with greater fertility of argument and with greater weight of authority. But as some important step must be taken, and as the House, to whom the Report of the committee is now known, must come to a decision whether or not they will take any further steps with respect to the proceedings in the action which has been brought against the printer to the House, I shall propose certain resolutions to the House; and before I proceed further, I shall put the House in possession of them. The first resolution I shall propose is, — "That it is the opinion of this House, that, under the special circumstances of the case of Stockdale *v.* Hansard, it is not expedient to adopt any proceedings for the purpose of staying the execution of the judgment." And the second is this: — "That this House, considering the power of publishing such of its reports, votes, and proceedings, as it shall deem necessary or conducive to the public interests, an essential incident to its constitutional functions, will enter into the consideration of such measures as it may be advisable to take, in consequence of the recent judgment of the Court of Queen's Bench, for the maintenance and protection of that power, so soon as the committee shall have made that full and complete report on this important matter, which they have declared it to be their intention to make in the commencement of their Second Report."

I shall now state, as shortly as I can, the reasons why, as I think, we ought to come to this practical conclusion, without entering upon the larger and graver question which the House will have to consider upon receiving the full and complete Report, or in the case of any fresh proceedings against the printer of this House. When I propose to the House the resolution, that under the special circumstances

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of the case it is not expedient to take any further proceeding for the purpose of staying the execution of the writ, I am bound to state that my own impression is, that nothing which has occurred in consequence of the resolution of the House, recommending the House to plead to the action, has put it out of the power of the House to take instant and immediate proceedings to stop the execution of the writ. The argument in that behalf was stated very clearly and very ably in the committee by an Honourable and Learned Member, who has placed his opinions upon record, in the form of an amendment to the Report. This was also the opinion of many Members of the House belonging to the profession of the law, who had considered the case before the House had determined to direct the Attorney General to plead in the case of Stockdale *v.* Hansard — of many Members of that profession on both sides of the House, who informed me, and informed the House also, that such was their view of the matter. This was the course which was likewise taken in a case which I consider very much stronger than the present, — in the action brought against the Speaker by Sir F. Burdett, when Mr. Ponsonby stated his opinion — that the Speaker ought to plead in that action, although the attorney was committed. This was the course which the Government accordingly took, recommended, as it was, by Mr. Ponsonby, whom I consider of very high authority on such a question. All that has been done by the House in the present matter is, — to inform the Court of Queen's Bench that this is considered by the House of Commons as a question involving the privileges of the House of Commons, — a power which they hold to be essential to the due performance of their functions; and they therefore plead their privilege in order to bring before the Court of Queen's Bench the fact that the House of Commons do so consider it. I think that to proceed thus does not prevent the House of Commons from doing anything they may think proper after the decision of the Court of Queen's Bench. But there is another, and a totally different question, — whether the House of Commons, being perfectly competent to stay the execution of the writ, shall actually do so? The first question is, whether it would be consistent with justice to do so? I own, I cannot persuade myself that it would be. The House of Commons have brought the question under the consideration of the judges, and the judges have deemed themselves bound not to consider merely the information which they received from the House of Commons upon the subject of their privileges, but to consider whether they were legally precluded from giving judgment in this case, just as they would give judgment in any other case which should come regularly before them. Right or wrong, the judges have decided that the defence which has been made is not sufficient, and they accordingly have given their judgment for the plaintiff. After that, damages were assessed under the direction of the sheriff, and assessed at 100*l*. Now, the sheriff, who has to execute that judgment, has merely to consider whether or not he has received legal and sufficient authority to induce him to execute the writ. He is not the party who instituted the action; he is not the solicitor who brought it forward; neither is he the counsel who appeared on the part of the plaintiff, nor the judge who decided against the privileges of the House of Commons. He is only the executive officer, who, in the usual and legal course, will have to execute the writ and levy the damages. It seems to me, then, that to pass by the plaintiff, his solicitor and counsel, and the court which gave the judgment, but to visit with punishment the sheriff who has to execute the writ, would be against all those notions of justice which all men, learned or unlearned, entertain on such a subject.

I must say, therefore, with respect to this action, — not merely allowing, but asserting, that the House of Commons was right in instructing the Attorney General to plead in it, — that, in the present stage of the proceedings, after judgment has been given, it would not be consistent with justice to order the sheriff not to proceed with the execution of the writ, with the view of committing him to custody if he should disobey such order. Sir, when I say that such a course is not consistent with justice, I think I have already said that it would not be consistent with expediency. If we were to proceed in this question in a manner which would be thought by the people of this country in general, as it appears to me, to be inconsistent with justice, there could be no higher degree of inexpediency — there could be no more decisive evidence of inexpediency — than the idea that such a decision would not have justice in its wake. I will not, therefore, enlarge upon the impression that might be produced, or upon the feelings that might be created, by a proceeding, on the part of the House of Commons, which would excite general repugnance and dissent. It is sufficient for me to state that I think those feelings of repugnance and of dissent would be naturally excited; and

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therefore I have come to the conclusion that it is not expedient in this case to adopt any proceeding for the purpose of staying the execution of the writ. I think that the House is not debarred, if there should be a case of absolute necessity; but as I do not consider that the sheriff is the person on whom the punishment ought to fall, it would be highly inexpedient to take that course.

Having said thus much in support of the first resolution, I will state, with regard to the second, that I think it necessary to make some few remarks in favour of the resolution to which the House has already come, and the substance of which is stated in the Report, — namely, that the House shall have the power of publishing such of its votes and proceedings as it shall deem necessary or conducive to the public interests; and which power is stated to be necessarily incident to its constitutional rights and privileges. Now, what I conceive that you have done is this; — an action was commenced in the Court of Queen's Bench; but you did not think it proper, without further knowledge, both on the part of the public and on the part of the judges, to order the commitment of any persons who were parties to that proceeding. You decided that the Attorney General should appear and state that the House of Commons considered this was a function and a power necessarily belonging to them; and it appears to me that, in so proceeding, while you did not give up the rights of the House, it acted with great temper and moderation. You might have taken a less moderate and more violent course; but it appears to me that the House acted rightly in submitting to the judges the grounds on which they thought that no action could be maintained. My Honourable and Learned Friend the Attorney General stated, with very great ability, with very great learning, and with very great judgment, all the points which it was incumbent on him to press on the attention of the court. I will not enter into a consideration of the precedents which my Honourable and Learned Friend quoted on that occasion; but I think it necessary to say a few words as to the nature of the decision which has been come to by the judges upon this question. My Honourable and Learned Friend the Attorney General stated to the House, immediately after the judgment was pronounced, the general effect and substance of the opinion of the judges. That statement was impugned at the time; but from what I have read since of the opinions of the judges, I must say, that it not only confirms the general accuracy of my Honourable and Learned Friend's opinion, but has also confirmed me in the idea that, right as the House of Commons may have been in not proceeding to any violent or extreme measures till they had first submitted, by pleading, their case to the judges, yet that the judges, however conscientiously they might decide the question, and however great might be the learning displayed by them, are not the fit judges of the privileges of the House of Commons. It is not wonderful that this should be so; it is consonant with the whole of our history, — it is consonant with the course of examples without number, — that the judges, however eminent they may be in their own places, and however eminent in the discharge of the functions which they have to perform, are not, and ought not to be, the supreme judges of the powers and the privileges of the House of Commons. These are matters which are not of a nature to come under their usual consideration, and to attract their daily and ordinary attention, and on which it is obvious that they must come to a narrow and a very exclusive decision. Sir, I shall take the liberty of reading some passages from the judgments of some of the judges in support of the opinion which I have given; and I would not have done so unless the statement of my Honourable and Learned Friend had been impugned the other evening, and consequently, this general statement of my own had become equally liable to contradiction in this House. The case before the court arose out of the reports of the inspectors of prisons; and it was the opinion of Lord Denman that the statement of the inspectors of prisons had nothing to do with the proceedings of the House. Let it be observed, too, that this was not a legal opinion, arising on any legal question. The Lord Chief Justice of the Court of Queen's Bench has thus spoken, in his judgment, of the proceedings of the House of Commons: —

> It is likewise fit to remark, that the defamatory matter has no bearing on any question in Parliament, or that could arise there. Whether the book found in the possession of a prisoner in Newgate was obscene or decent, could have no influence in determining how prisons could best be regulated; still less could the irrelevant issue — whether it was published by the plaintiff.

I would now beg to call the attention of the House to this question in particular. It might have happened that matters were ready for the consideration of the House, of which no present notice was taken; but it occurred that, on this question in particular, not only might the opinion of Par-

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liament be fitly pronounced, but more than once they have been called upon to do so. Three years ago, in 1836, as I think, or in 1837, a Bill for the regulation of prisons was introduced into the House of Lords. It passed that House; it was then sent to this House. The Bill, in general, met with the approval of the House; but one exception was taken to it. It was said, by many Members in this House, that the prison of Newgate was exceedingly well managed; that there were few or no abuses in it, and that there was little that required regulation; and I was threatened with the loss of the Bill if I did not exempt the prison of Newgate from its operation. The exception in favour of this prison seemed to me to be unreasonable. An inquiry in the House of Lords showed that the prison was not so free from irregularity as had been said, and I declined to exempt Newgate from the Bill. Only let us conceive, then, a person,—I will not say an excellent judge, but only conceive a judge—saying, that any question as to the prison of Newgate had nothing to do with legislation, when the very question was, whether Newgate was so well regulated as to preclude the necessity of inspection? The next year a committee sat on the regulation of prisons; and the first question considered was, whether it was not possible to propose better means of regulating Newgate? and whether it was not possible to build a new prison?—and the committee reported in favour of such a resolution: and am I to be told that the regulations in force in Newgate are matters which could not properly come before the House of Commons? When the House considered the question as to the possibility of substituting any better course of prison discipline, it was important that the House should know what the inspectors of prisons, authorised by the Legislature, said as to the prison visitors, as to the gaolers, and, though on a minor subject, still on an important one, as to what books were introduced. This matter forms a part, a small part if you will, but still a part, of the general system of prison discipline. The judge said, also, that if the ascertainment of these facts "by the House was a thing indifferent, still less would the publication of them to the world answer any one parliamentary purpose." When the prison inspectors reported that the management of Newgate was very loose, that obscene books were introduced there, to the contamination of the youthful prisoners, it was surely just and proper that the court of aldermen, and those who had the management of that prison, should be made acquainted with that Report, that they might contradict its accuracy, if they could. Yet it would seem, according to the learned judges of the Court of Queen's Bench, that any Member of this House, who, when the Report was printed, should have communicated it to the court of aldermen, or any person not a Member of this House, would have been guilty of publishing defamatory matter, and subjected to the most vexatious, expensive, and harassing proceedings. Another learned judge was also of opinion that, though Members ought to have their papers, they ought not to communicate them to other persons; and Lord Denman observed,—

> The reasoning is, if you permit the number of copies to be as large as the number of Members, the secret will not be confined to them; and this affords a strong appeal to justice and expediency against printing, even for the use of the Members, what may escape from their hands to the injury of others.

So that the bias of the learned Chief Judge's mind was, that if any doubt existed on the subject, that doubt would induce him to decide against the power of printing even for the use of Members. The judgment of another learned judge (Mr. Justice Patteson) extended to a great length over the whole question. In the course of it, he observed,—

> It is said, that if papers, however defamatory, must needs be printed for the use of the Members, as it is plain they must, and the point is not disputed, their further circulation cannot be avoided; for what is to be done with the copies upon a dissolution of Parliament, or upon the death or retirement of a Member? The answer is obvious; the copy of such defamatory matter ought to be destroyed.

This shows, that even to the court of aldermen the learned judge would not allow the Report to be communicated. Now, only imagine the House of Commons reduced to such a position as that each of its Members should be obliged to destroy his copies of all parliamentary papers on the dissolution of Parliament, or his retirement from the House. I would put this question: the Right Honourable and Learned Member for the Tower Hamlets, at the commencement of the Session, retired from Parliament, on his acceptance of the judgeship of the Admiralty Court. According to the views of Mr. Justice Patteson, the first thing the Right Honourable and Learned Judge should have done, on resigning his seat, would have been to go into his library and destroy all copies of such of his parliamentary papers as might contain what could be considered defamatory matter. This statement of the learned judge shows

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the House that, whatever course we may think fit to adopt, whatever may be the result of the advice of the committee, it is quite impossible we can acquiesce in this opinion of the learned judge. I do not see, for instance, — and this point does not appear to have at all occurred to the judges, — I do not see, for instance, how the House could entertain any complaint respecting the conduct of a person holding office, or in the situation of a judge, or proceed to any Address for the removal of such person, if they were not able to communicate to any party, even to the party accused, copies of the complaint made against him. There is an infinity of cases which could be put forward as illustrations to show that the House cannot admit this interpretation of the learned judge. Put the case of the proceedings in a question in which the Honourable Member for Oxford took such interest, — the slave trade, — and the conduct of the Government respecting that trade as carried on under the flag of Portugal. According to the court of law, if the Honourable Member moved for copies of the despatches which had passed on this subject between the Government of this country and the Government of Portugal, and these were produced, it would be perfectly competent in the Government of Portugal to go to the Court of Queen's Bench, and say that these despatches were, in some part of their contents, a libel, either against the Government, or against some captain of a vessel, or against the Queen of Portugal in general, and proceed to an action. And how, again, would the Government of this country be able to defend themselves in reference to any proceedings they might advise her Majesty to adopt on the subject of Portugal, if they were not able to communicate to the country what the case was as regarded the Portuguese slave trade? But, then, the question, as stated by Mr. Justice Patteson, comes to this, — whether or not the House of Commons or the Court of Queen's Bench is to decide ultimately and absolutely with respect to the privileges of the House? Mr. Justice Patteson argues that it is the Court of Queen's Bench which is to make inquiries and decide on the points; and, indeed, as the Attorney General has observed, not only the Court of Queen's Bench, but any court of quarter sessions, or borough court, or any other inferior tribunal, might make inquiries and decide upon these points, according to the opinion of the learned judge. I am ready to admit that it is quite possible for the House of Commons to exceed the due and proper powers vested in it — and necessarily vested in it — for the performance of its duties. Indeed, Mr. Justice Coleridge has put this extreme case, — that the House of Commons might order capital execution to be done on a person convicted of petty larceny. This, certainly, is a very extreme case; and, if the putting such extreme cases had anything to do with the real bearing of the question, it would be very easy, also, to suppose an extreme case on the part of the court, though it would be difficult to come near that suggested by the learned judge. But the House must bear in mind that, if the judges are to have the power of defining the privileges of the House, they may not only prevent any new privileges being asserted, but they may, also, restrict the ancient privileges of the House, and deprive us of all our powers; — for that tribunal in which is vested the power of explaining, interpreting, limiting, and restricting the privileges of the House, will, also, have the power of settling what those privileges should be. I can imagine the case of some Honourable Member making a speech in the House against one of the learned judges in England, Scotland, or Ireland, and asking the House to proceed to an Address against him. If the case were brought before the Court of Queen's Bench, it might be argued in answer, that the party who had made the speech in the House of Commons was not answerable for it, as it was spoken in the House of Commons. Upon this the judge might say, upon the newly declared principle, — I am only following the example of a learned judge in putting an extreme case, — the judge might say, "It is true that Members have the power of saying what they please in their own court of Parliament; but when the House has once admitted strangers to be present at their debates, — when they have declared their opinions, in the presence of strangers, in particular cases, or against particular persons, — this is a communication to strangers, a publication to the world; the opinion becomes a slander, and an action for slander will lie against the person making the speech, — not because he has pronounced it as a Member of the House, but because he has so pronounced it in presence of several persons sitting in the gallery, and therefore virtually published it." Such a judgment, given by the Court of Queen's Bench, would not amount to near so extreme a case as that which has been acted upon, in order to deprive this House of its ancient and essential privileges. There is no case so extreme, so absurd, so improbable, that might not

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be imagined for the purpose of affording grounds for taking away any power vested in the House of Commons, the House of Lords, or the Crown. The Crown has the clear right of declaring war against all the powers of Europe to-morrow, if it think fit; but would any one make that very improbable contingency a ground for demanding that the Crown, should be deprived of its right to declare war? It would be utterly preposterous and unjust to talk of depriving the Crown, or either House of Parliament, of its due and essential and constitutional powers, because it is possible to conceive a case in which these powers might be improperly exercised. I repeat my admission, that the House may possibly exceed its powers; but I can see no means of its maintaining its authority, its dignity, its independence, except by reserving to itself, entire and intact, the power of declaring what are its due and constitutional privileges; and by taking care that such a declaration on its part shall be held final and sufficient throughout the empire. Sir, with respect to the manner in which these powers are to be best asserted, to the way in which the House can best proceed in this difficult case, I do not propose to give any opinion whatever on the present occasion. The House has seen that their committee, having considered this matter very anxiously, is extremely embarrassed as to the course to be pursued. I found that even Gentlemen on the committee, the most conversant with the subject, and the most competent to give an opinion on it, — the Attorney General, among others, — had great doubts as to the course to be adopted; and I think it better to abstain, myself, from offering any suggestion on the point. All I can do, on this occasion, is, to declare my conviction that, although the present may not be a fit occasion for its exercise, yet that the maintenance of our power to print our own votes and proceedings is essential to us, and must not, in the slightest degree, be abandoned, if the House wish to preserve its efficiency and its authority.

On the first resolution being read, —

DOCTOR LUSHINGTON said: — Sir, I was desirous of waiting until some other Member had addressed the House on this resolution, before I offered a few remarks upon it. Now, Sir, I was not a member of the committee to whom the consideration of this question was originally proposed; but I had the honour afterwards to be named on the committee which lately sat, whose Report the House is now considering; and I feel bound to come forward, under the existing circumstances, not to oppose the resolution of my Noble Friend, but to support and maintain the opinion which, after much consideration, I took the liberty of stating in that committee. There was great deal in the speech of my Noble Friend to which I can give my acquiescence. I concur in his opinion, that this is a privilege indispensable to be maintained by the House of Commons, — without which it would be utterly impossible for the House honestly to discharge its duties to its constituents. But after hearing this privilege so ably maintained, and the various parts of the judgment so ably animadverted on, by the Noble Lord, I must confess I look upon the conclusion to which the Noble Lord has come, as little short of an abandonment of the privileges of the House. This is a question of vital importance to the interests of the people at large. It is not a question of personal privilege. It is not a question of privilege from arrest, — a privilege affecting ourselves, personally, or our property; but it is a question of a privilege, without the exercise of which we could never satisfactorily perform our inquisitorial duties, — expose the abuses which might, from time to time, exist in the administration of justice, — give satisfaction to our constituents, — or do justice to the people of this country. Let the House look at the circumstances of this case; let us reflect what a case we have abandoned; and then let us ask ourselves how, on a future occasion, — differing as it might in all essential particulars from the present case, — how, if we now submissively humble ourselves before the judges, we could have the slightest prospect of success in asserting that privilege which we have almost unanimously voted to be essential to the House? How bold is the House in conclusions! how courageous in recording its opinions! how weak — how vacillating — how imbecile — in acting upon them! How did this question come before the House? — How did it originate? — In any extraordinary exertion of the rights of the House, — in carrying its power to its extremest bounds, — or in the performance of one of its first, its greatest, its most sacred functions? It originated in an inquiry into the gaols of the country, — an inquiry into those dens, which, within my own memory, were not merely full of abuse, cruelty, and injustice, but the fostering haunts of crime and contamination. In the prosecution of that great and most just inquiry, in-

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spectors were sent into these gaols, whose Reports were ordered to be laid on the table of the House. These Reports were laid on the table of the House; and from them it appeared that in a prison — not in a distant part of the country, where there were slight inspections, where there was little inquiry as to whether abuses existed in them, or not, but — in a prison in the heart of the metropolis, within two miles of the House of Commons, within the city of London, and under the management of a body who have lately shown themselves so excessively jealous of their own privileges, there were found the abomination of abominations, — a prison half filled with youth of both sexes, in which the most obscene, demoralising, and disgusting books were allowed freely to circulate. And who is the plaintiff in this case? — A man whose character had been unjustly slandered, — who was smarting under the injustice of a publication, without having the opportunity of vindicating himself and his property before the world, as might happen in the case of a man against whom a petition had been presented, containing particular charges? No such thing: the plaintiff is the very publisher of these horrible publications, the very author of the crime, the very individual who sent forth these obscene publications! This is the man who comes forward, and brings an action impugning the privileges of the House! There never was a more groundless action. It would be utterly impossible for ingenuity to imagine a case which presented less grounds for an action, — impossible so to combine together circumstances as to form a case which should present to the mind greater iniquity in the offence. I say, that if you ever intend to support the privileges of this House, now is the time to make the stand. It has been said that the House would be taking an unpopular course in contravening the judgment of the court of law, — that the people of England would stand by the court of justice in insulting the House of Commons. I tell the House that the people of England would do no such thing. As I said in the committee, I repeat now, and from the bottom of my heart, — Go to the people of England, and tell them this; go to the poor parents — to the poor widow, with children dependent on her, and under her control, herself with scarcely the means of supporting them — tell her that should these children become the victims of accusation, they will be shut up in a prison, where such contamination as these books will surround them. Does the House suppose that the people of England would not have all their feelings aroused against this? They would reflect that the innocent as well as the guilty are inmates of this gaol. What says the Noble Lord? His opinion is, that it would be unjust to proceed in this matter now. If it be unjust, the question would be at an end; but I deny that it is so. How did the case arise? The Attorney General proposed a course which was followed. I shall not trouble the House with any legal argument on the subject; but I will maintain this; — that all that has been done by pleading in that action did not admit the jurisdiction or concede the right of the Court of Queen's Bench to try the action; but merely informed the Court of Queen's Bench, in the most authoritative form and in the most respectful manner, that this was an act of the House of Commons, — that it was done by their order, — and that they demanded that the proceedings should be put an end to. The resolution which the House came to passed unanimously ——

[Cries of "No, no!"]

At any rate, there was no division upon it

[Cries of "Hear, hear!"]

Well, then; this House having acted with such forbearance, having acted in strict conformity with former proceedings, and the Court of Queen's Bench having thought fit to disregard the communication from the House of Commons so authoritatively made, — is it consistent with propriety, with the maintenance of its just rights, that the House should now abstain from further proceedings in the matter? The Noble Lord talks of injustice. To whom would injustice be done? The Noble Lord said — to the sheriff. But no one proposed to commit the sheriff. What is proposed is, to give notice to the sheriff, in the name of the House of Commons, that if he proceed to execute the writ, he will be guilty of contempt. It has been said, that it is the duty of the sheriff to execute the writ; I will assert that it is not. It is his duty to obey the House of Commons. The House of Commons is the judge of its own privileges; and if we abandon any of those privileges, it will be impossible for us efficiently to perform our duty to the country. Assuming that the sheriff had obeyed the order of the House, and any proceeding were taken against him in consequence, then it would be the bounden duty of the House to uphold

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him, and to commit to the custody of the sergeant-at-arms any individual, be he who he might, who had ventured to outrage the House by contravening its orders. Has the House become so impotent that it cannot, and so pusillanimous that it dares not, defend itself from aggression? If so, it had better at once formally abandon all its nominal privileges: you have no alternative, for your privileges are at an end. My Noble Friend has declared that it is inexpedient to proceed any further. I am sorry to hear him thus establish, for ever, a precedent for this House submissively prostrating itself at the feet of the judges of the Court of Queen's Bench. After giving this precedent of entire acquiescence in the *dicta* of those judges, — after having thus strengthened the case against ourselves, and in spite of the resolution we have put on the Journals, — the House is, when the Report comes, to set about devising some plan which shall have the effect of preventing the recurrence of this breach of its privileges. I cannot conceive it possible that, in any Report which can be made by the committee, any means can be suggested to the consideration of the House, for replacing the House in the position in which it now stands, — namely, with the power and full right, at the very first moment a court of law declines to acknowledge its authority, to go fairly and, in the face of the country, unflinchingly assert and maintain its privileges in the most distinct and unequivocal manner. I may be asked what practical course I should propose. Had I the slightest prospect of obtaining any extensive support, — any hope of being able, by a motion, to maintain the privileges of the House as they ought to be maintained, — humble individual as I am, I would not shrink from the responsibility, if no other member of the committee entertaining similar opinions were to come forward for the purpose of proposing a resolution.

[Cries of "Move, move!"]

But no: *Diis aliter visum;* and after the opinion which the Noble Lord, so justly looked up to by his party, has given, it would be absurd, not to say impertinent, on my part, to attempt to force a motion of my own on the House. I would only observe, in conclusion, that the evils depicted by the Noble Lord as imminent, if we abandon this privilege, are nothing compared with the reality of those which must in that case follow.

SIR R. INGLIS. — Sir, in the whole course of my parliamentary experience, I have never heard a speech, the conclusion of which was in such entire contradiction to the rest of it, as that of the Right Honourable and Learned Gentleman who has just sat down. It was a speech, able, eloquent, and worthy of the talents of the Right Honourable and Learned Gentleman, — worthy of everything — except its conclusion. Now, that, after seeing his way so clearly all along, the Right Honourable Gentleman should have arrived at such a termination, is to me very surprising. The Right Honourable Gentleman, after a most tremendous series of flourishes, stopped short, and turned directly round. The House is placed in a most difficult position; but the result will be, apparently, that after eating more leek than ever ancient Pistol did, you will come round to what I advised you to do in 1837. The Right Honourable and Learned Gentleman who has just sat down, while he declared himself practically of the same opinion as the Noble Lord, suggested that the course open to the House was, not to summon the sheriff to the bar of the House after having executed the writ of the Court of Queen's Bench, but to warn him — to give him notice — that if he executed the writ, he would contravene the judgment and directions of this House; in fact, that he would be guilty of a violation of its privileges. Suppose this done, what next would the House do? The sheriff, by the duties of his office, is bound to execute the orders of the superior court: in fact, although I cannot speak as a lawyer to the point, I feel no doubt whatever, that a party having obtained a writ of execution against another has some means of calling on the law to enable him to obtain the amount of damages assessed. If so, it is impossible to suppose that a person so situated would hesitate twenty-four hours as to the course he should take, — that he would be content to have his verdict practically reversed, and himself to be deprived of his money, instead of being a gainer by the result of the action. Supposing, then, the sheriff to refuse to do his duty, — would not, before twenty-four hours had elapsed, some means be found to call on him, or on some other person, to execute the law in the case? Are you prepared, in that event, to seize the judges, the Lord Chief Justice of England — himself a Peer? In the face of the House and of the country I call on the Right Honourable and Learned Gentleman, and those who think with him, not to fly at the inferior birds, but seize

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the eagle at once. Let him try to bring the Lord Chief Justice to the bar of the House. No man has more moral courage, I dare say, than my Right Honourable Friend; but I would venture to suggest, that if he brought the people of England into a contest in defence of the law, some physical courage also would be required. If we are prepared to bring the highest judge in the country — the Lord Chief Justice himself — to the bar of this House, then, but not till then, let us attempt to seize the sheriff. But it is neither to vindicate the character of the House, nor to exhibit either moral or physical courage, to attack the subordinate and allow the superior to go free: therefore I think the course indicated by the Right Honourable and Learned Gentlemen is sheer folly.

[Cries of "Hear, hear!"]

Who is it that has despised our privileges? Is it the sheriff? — the jury? — the counsel in the cause? — the attorneys? No; the expositors of the law, themselves, if I have rightly read those proceedings, — are the parties who set at nought the assumed privileges of this House. The jury was merely called on to assess damages by order of the higher tribunal. My Noble Friend quoted a passage from the recorded opinion of the judges in a way calculated to convey a very imperfect view of those opinions. In the first place he quoted a passage from the judgment of Mr. Justice Patteson, which excited much observation and unfounded ridicule both in the House and out of it. At the time that learned judge delivered that judgment, there was sitting near him a Noble Lord, who was, himself, in some measure, a party in the case, which related to a predecessor of his in the office which he then held. The case quoted by Mr. Justice Patteson had reference to the question, what were and what were not privileged communications. The learned judge's words were —

In the case of Fairman *v.* Ivis, 5 Barnewall and Alderson, 642., a petition addressed by the creditor of an officer in the army to Lord Palmerston, the Secretary at War, was held not to be actionable, although containing defamatory matter; but can it be doubted, that if Lord Palmerston had ordered it to be published, the publisher would have been liable to an action? or can it be contended that the Secretary of State, to whom the report and reply on which this action is brought, were, by Act of Parliament, directed to be sent, to be by him laid before the Parliament, would have been justified in publishing them? And, if not, why should the House of Commons be at liberty to do so? In the same manner, the protection of all confidential communications extends no further than the necessity each particular case requires.

I contended, on a former occasion, that where the communications were for the use of Members, they were privileged; but that, where they were for the use of others, they were not privileged. No one now, however, attempts to set up a distinction between distribution and sale. I have, myself, no hesitation in admitting, that I now think I was quite wrong on the occasion in question. But the conclusion to which I came was the same, — that we are not at liberty to publish, by sale or distribution, matter that is libellous. Half the argument, in this question, rests on the difference between what is to be held as libellous, and what is held to be privileged, as information necessary for public purposes. Why, there is scarcely one case in twenty in which there is not something which a fastidious person might pronounce libellous. Could not more care be used in the mode in which the necessary information is prepared for publication? In many committees which I have attended, letters of the alphabet have been used to designate particular names, where the matter was of a libellous nature. In the Police Committee, particularly, I remember this to have been done. By this means, all that was necessary to be known to the world was given, but injury to individuals was averted by the suppression of the names. In the present instance, the name of the author of the book in question was suppressed. Why, if the House, by so doing, admitted that they perceived a difficulty, did they not suppress the name of the publisher also? The whole difficulty has arisen from the reckless carelessness with which the matter has been prepared for the printer. Having got into the scrape, however, — the simplest word is the most appropriate to designate the dilemma, — the only question is, how best to get out of it? The proposition on which I had originally intended to take the sense of the House, but which I shall now read, merely, that it may be recorded, is one which, in substance, meets the views of the Noble Lord. On one point, however, I differ from the conclusion of the Noble Lord. The Noble Lord, having abandoned the great and leading proposition, — namely, the right of this House to resist the law, — appears to comfort himself with the hope that he may keep the proposition *in petto*, as it were, until some future occasion, when the dignity of the House may be asserted with more effect. That comfort, I think, is for ever denied to the Noble Lord, after the speech of the Right

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Honourable and Learned Gentleman. I am not here to defend the character of the individual whose proceedings have given rise to the question; that is not necessary to the merits of the question; and, in fact, it was never raised in the course of these proceedings, except incidentally and illogically, when observations were made in which I could not concur: but I maintain that all the information required might have been given, and yet no injury have been done to any individual. The practical object might have been as safely and effectually attained, if the name of the publisher, as well as of the author, had been suppressed. What will be the result of the Noble Lord's proposition? The judges will be left in the same position. Another similar case might occur in the course of next week. It is said, however, a subsequent opportunity may be taken by the House to affirm their privileges. That must be either by resolution or by Bill, to become an Act of Parliament. If by resolution, is it not clear that those who set at nought one resolution would set at nought another? If by Bill, it must be either a declaratory Bill or an enabling Bill. If a declaratory Bill, then the House must proceed to declare that to be the law, which the highest legal tribunal has already declared not to be law, — a decision in which the House has practically concurred, by neglecting to avail itself of the right of appeal. For the Learned Attorney General will surely not assert that he has exhausted all the means of obtaining a judgment that were open to him. There has been no writ of error. Why? Because the Learned Attorney General was afraid of the result. A declaratory Bill will, therefore, surely not be resorted to. Will you then proceed by an enabling Bill? How could the power of this House to claim, or of the other to concede, be limited? When a Bill is introduced to "enable" this House to exercise certain privileges, we must exercise them under the control of another body. Now, Sir, I will not enter into the question which body is the more popular, or the more deserving; but this I will say, — that it would be as unconstitutional for this House to yield to the House of Lords in a matter relating to our own privileges, as to yield to the learned judges themselves. What, then, are we to do in this case? No man can feel more, than I do, the difficulties in which the House is placed, nor desire more earnestly and singly to put an end to them; because I admit, to the fullest extent, the principle, that the privileges of this House are not for individual Members, but for the benefit of the people whom we represent. That which was, before, theory, has now become fact; that which had been thought a mere legal supposition, has now been decided by the Court of Queen's Bench. The course of the House, then, is clear. If you cannot evade or resist that decision by any process, known either to yourselves or to the constitution, your first duty, as good subjects, is to obey the law; and to declare, not in the terms of the Report of the committee, but in terms contrary to it, that the House is not prepared to resist the execution of the law. I was prepared to submit such a resolution to the House, though not to press it to a division, unless I found that course approved of by those in whom I generally place confidence. The resolution I would have been prepared to move was, "That the House having directed the Attorney General to appear on behalf of Hansard and Sons, in an action against them for the publication of certain papers, alleged to contain libellous matter upon John Joseph Stockdale, which papers the House had directed them to publish, and the Attorney General having accordingly appeared on their behalf in the Court of Queen's Bench, and argued the question of law which arose on demurrer to the plea of the defendant, — namely, the right of the Court of Queen's Bench to inquire into the power of the House to direct such publication without subjecting the defendants to any liability thereby, — and judgment having passed against the said defendants by the decision of the judges of the said court, and the ordinary appeal against such judgment not having been adopted, and damages having been assessed against against Hansard and Sons by the jury, and the same being about to be levied forthwith; — that this House do not resist such execution of the law." This, I admit, is a yielding of the case, — but not more so than the proposition of the Noble Lord himself. I venture to say that it states the question in a more straightforward manner. Sir, I beg leave to move the amendment.

The amendment having been put, —

SIR R. INGLIS said: — Sir, having been asked on both sides not to press the amendment to a division, I have moved it merely for the purpose of having it recorded. With the permission of the House, I will now withdraw it.

Mr. WARBURTON. — Sir, under any other circumstances, it would be great presumption in me to trouble the House;

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but when I heard the Right Honourable and Learned Gentleman (Dr. Lushington) so warmly and so eloquently argue the case, and express opinions in which so many Honourable Members concurred, namely,—that these proceedings were neither more nor less than a high contempt of Parliament,—I thought he would at least have concluded his speech with some resolution which would have enabled those who concurred with him, whether in a majority or minority, to put on record their sentiments on the matter. As he has not done so, however, I am prepared to give those Honourable Gentlemen, who may concur with me in opinion, an opportunity to put that opinion on record. The amendment which I would propose, is a paragraph taken from the excellent draught of the Report presented to the House by the Honourable and Learned Member for Newark, who has acted a straightforward and manly part on this question, because the opinions he has expressed, he is prepared to maintain. How great a contrast does his conduct afford to that of other Honourable Gentlemen, who were so loud on former occasions in the maintenance of their opinions, and in professing their readiness to show that those who had adopted the course which gave rise to these discussions had been guilty of a contempt of the privileges of Parliament! The resolution which I beg to propose to the House is as follows: — "That acquiescence in the judgment pronounced in this case will create, on the part of the House, a great impediment in the future necessary exercise of parliamentary authority in vindication of their privileges; and that it is therefore necessary that the House should forthwith declare, that the further prosecution of the said action, and the attempt to levy any damages on the defendants for a publication, in pursuance of the orders of the House, directly impedes the exercise of their parliamentary functions, and is a high contempt of the privileges of this House; and that this House will visit with severe displeasure all officers, ministers, and others, who may act or aid, in any manner, in enforcing the judgment on that matter, or in troubling or molesting the said defendants for such publication; and that a copy of this resolution be served on the sheriff." I would merely say a very few words in support of this resolution. I desire to remind the House of the many instances in which this House, in the exercise of its inquisitorial functions, has published matters which, according to the authority now set up, must be deemed libellous. One instance I would particularly refer to, which occurred only a Session ago. I allude to that case in which a magistrate for the county of Kent was charged with having induced thirty or forty persons, for a sum of *4s.* or *5s.* each, to put their names down as subscribers to a railroad scheme for thousands, when those parties were shown to be persons of no means. Now, was or was not that a fit case for the investigation of Parliament? Was it a case, the circumstances of which ought to have been confined within the walls of Parliament? or one which ought to have gone forth to the public, so that others, prone to resort to the same course, might be warned of it? A similar investigation took place with regard to five or six other subscription lists. The investigations were of no use whatever, unless the names of the individuals, proved insolvent, yet subscribing their names for thousands, were given to the public. Yet I might, as a publisher of those libels, — for I gave away plenty,—have been called on to appear by the Court of Queen's Bench as a libeller. To talk of our exercising these inquisitorial functions without being able to make the result of them public, is trifling with the House. But I am not going to argue the question. It is a *res acta*, — a matter on which the House has already decided; and all that the Honourable and Learned Member for Newark calls on the House to do is, to stand by its own resolutions. The Noble Lord calls on us to be prudent now, and valiant hereafter. This is to suppose that the House can choose its ground as well in some similar instance — to suppose that some new Mr. Stockdale will bring his action for libel while the House is sitting, and that the House will therefore have the opportunity of commencing its resistance *ab initio*. Suppose, on the other hand, that the plaintiff — this present Mr. Stockdale, if you will — commence his action during the long vacation, proceed in it with the greatest activity, and push on to judgment before the House again meets, so that execution shall be either actually levied, or on the very point of being levied; — what, in such case, becomes of your threat to visit the court with your displeasure? The same appeal to your compassion, on the part of the sheriff, would again be made; the House would be told it was too late to commit him, and to dispute any of the proceedings; and, therefore, it would again be recommended that judgment should be allowed to go by default, and execution levied; and again we should be told that the next case should be one on which we should no longer be cowed.

Sir, I beg pardon of the House for

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attempting to argue this case in the presence of so many who are far better qualified to do so; and now, for the purpose of giving an opportunity to my friends of placing their votes on record, I beg leave to move the resolution which I have just read to the House.

Mr. HUME. — Sir, there is no Member of this House more interested in the question than I am; for, since I have sat in Parliament, no man has brought forward more cases of abuse, in which evidence was elicited which might be considered libellous. I am of opinion, that the powers of the House, as the grand inquest of the nation, would be destroyed, if it delayed to do those acts of justice which the interests of the nation might require. We might as well shut the doors of the House — (which, by the way, many might wish us to do) — as give up a privilege, by the exercise of which so much good has been done, and is yet likely to be done, to the country. I am very anxious to hear the Right Honourable Baronet the Member for Tamworth deliver his sentiments on the present question; for I cannot but bear in mind the very argumentative speech which that Right Honourable Gentleman made, on a former occasion, in defence of this privilege, which he is now, in conjunction with the Noble Lord the Secretary for the Home Department, as I infer, about to give up, in — the Right Honourable Baronet and the Noble Lord must allow me to say — a most dastardly manner. The House will, however, no doubt, hear from the Right Honourable Gentleman the reasons why he has changed his opinions on this question. If I remember rightly, the Right Honourable Baronet, on the occasion alluded to, recommended the committal of the individual: for consistency's sake, therefore, I hope the Right Honourable Baronet will state his reasons. The course taken by the Right Honourable and Learned Gentleman who has spoken so strongly on the one side, while he appears to be about to vote on the other, has also struck me with much surprise. After having so ably demolished the argument of the Noble Lord, I expected nothing less from the Right Honourable Gentleman than a demolition of his motion also. But a more tame, timid, and milk-and-water conclusion I have never heard. I expected that, at least, the Right Honourable and Learned Gentleman would have moved an amendment, affirming the privileges of the House. According to the decision of the Court of Queen's Bench, — should the House acquiesce in it, — if, hereafter, a witness, for refusing to give evidence, or any other cause, should be committed to Newgate, the Court of Queen's Bench will have the power to pronounce upon the exercise of its privileges by this House. Every court in the kingdom has the power of maintaining its own privileges; and surely the House of Commons — the highest of all — should have the same power, or the evil effects to the interests of the people will be most serious. I beg leave, Sir, to second the amendment of my Honourable Friend.

SIR R. PEEL. — Sir, if even I had not been appealed to, so directly as I have been by the Honourable Gentleman who spoke last, it was certainly my intention to have expressed my opinion upon this important question before this debate should close; because, whatever other Honourable Members may do, I certainly do not shrink from maintaining the same opinion as I have given in the committee. I advised the committee to the best of my power; and I am not at all disposed to exhibit that sensitive apprehensiveness for the stability of my opinion, that other Honourable Members have evinced. The Honourable Gentleman calls upon me to vindicate my consistency in now supporting the resolution of the Noble Lord, and yet having, on a former occasion, advised a different course. Now, I will endeavour to show that the mode of procedure which I advise in the present instance is precisely in conformity with the course which I advised upon the occasion referred to. The committee of 1837 had come to the following resolutions: —

That, by the law and privilege of Parliament, this House has the sole and exclusive jurisdiction to determine upon the existence and extent of its privileges; and that the institution or prosecution of any action, suit, or other proceeding for the purpose of bringing them into discussion or decision before any court or tribunal elsewhere than in Parliament, is a high breach of such privilege, and renders all parties concerned therein amenable to its just displeasure, and to the punishment consequent thereon. That for any court or tribunal to assume to decide upon matters of privilege inconsistent with the determination of either House of Parliament thereon, is contrary to the law of Parliament, and is a breach and contempt of the privileges of Parliament.

A few days afterwards, the question was raised in the House, whether the Attorney General should be permitted to plead to that action? What was the opinion delivered by me upon that occasion?

Mr. HUME. — Hear, hear!

SIR ROBERT PEEL. — The Honourable Gentleman cries "Hear, hear!" What, then, he is already so satisfied with my explanation of the consistency of the

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course I have pursued, that he wishes to stop me short. Now here are the opinions I expressed on that occasion: —

Mr. Speaker, I have not heard without great regret the opinion of the Attorney General, that it is advisable, on account of the technical and legal difficulties which would accompany any other course of proceeding, to direct the servants of this House to plead to the actions that have been brought against them. I had hoped that this House possessed sufficient power to vindicate, by its own exclusive authority, without the aid or recognition of any extrinsic jurisdiction, those privileges which are absolutely essential to the performance of its proper functions, and even to its existence as an independent branch of the Legislature. I am aware of the precedent for pleading furnished by the case of "Burdett *v.* Abbott;" but as the result of the proceedings in that case was a distinct confirmation, by the highest judicial authority, of the exclusive right in the House of Commons to judge and decide in matters of privilege, I had hoped that that precedent rather supplied a reason for the assumption by the House of Commons of the jurisdiction which it admitted to exist, than a rule for a repetition of the course which was then followed.

That was the opinion I expressed at the commencement of my speech, and at the close I find the following remarks: —

I trust the sanguine anticipations of the Attorney General — that, upon fuller and more deliberate argument, the court will reverse this decision — will be confirmed. Still, I cannot view without serious apprehension the possibility of their disappointment. By the course recommended by the Attorney General, — that is, by the instruction of our officers to plead, — we virtually submit a decision upon our privileges to a court, the head of which has already given an adverse decision with regard to them. If that decision be confirmed, our next step will be an appeal to the House of Lords; and thus the transfer, to a co-ordinate branch of the Legislature, of that exclusive jurisdiction to which we lay claim as a matter of privilege. I have every confidence that justice will be done according to the law and constitution of the country; but, believing that the privilege to which we lay claim is as unquestionable as it is vital and essential to the proper discharge of our functions, I cannot, without anxiety, see it made the subject of litigation.

Sir, upon that occasion, several Honourable Members expressed a difference of opinion from me. The Noble Lord opposite also disagreed with me in opinion, and held that, although we might permit our officers to plead, it was competent to us afterwards to resist. That was an opinion in which I could not concur; and, amongst the rest, I was supported by the high authority of the Honourable Gentleman who spoke last, who, with that force of expression which I should in vain endeavour to imitate, concluded his speech in a tone the most complimentary to the House; for he described the whole affair as "an attempt to drag them through the mud in a very unpleasant manner."

[Laughter.]

Now, the Honourable Member having just, I suppose, escaped from the mud, shakes his locks at me, and gives utterance to this charge of inconsistency. Again, the Honourable and Learned Member for Newark, who drew up an able Report, and who has been a most consistent supporter of the view that he took of the subject, said, —

To revert, however, to the question, — what would be the position of the House if the plea were overruled? My opinion is, that the House would be placed in a situation of the greatest difficulty. If the Attorney General appear in the case, and argue the matter on the part of the House, undoubtedly it would be something like a submission. All the courts are bound to acknowledge the privileges of that House; but if the case were argued before the Court of King's Bench, the court might determine against the House. I would recommend the Attorney General, therefore, not to argue the question, but to submit it to the court, and ask for judgment. If the court pronounce judgment against the resolution, then this House should take up its proper ground, and Honourable Members who will not stand boldly forward in defence of their privileges cannot stand up for any other. Honourable Members should be enabled to leave to their successors the privileges which they, themselves, have a right to enjoy.

Now, I am of opinion that it would have been infinitely better if we had acted on the resolution, and committed the first person who had infringed the privilege of this House. Another course that we could have pursued was, that which has been defended by my Honourable Friend the Member for Oxford University, and other Honourable Gentlemen. The third course was that recommended by the Honourable and Learned the Attorney General, and which was followed. We did plead, or we allowed our officer to plead; and all the points of that plea have been overruled by the court, and the decision has been against us. As to all the technicalities of pleas and demurrers and rejoinders and surrejoinders, I shall not enter upon them, but I shall listen with most respectful attention to arguments founded upon them by Honourable and Learned Members, although, as a non-professional man, I fear I may have considerable difficulty in comprehending those arguments, fully. But, Sir, I would ask what will be the state of public opinion on the subject? The public opinion will be, that we asked the Court of Queen's Bench to give its decision on this question, involving these privileges; — that the House would have availed itself of

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that decision, if that had been favourable to our views; but now that it is against us, if we take the course that is recommended by the Right Honourable and Learned Gentleman, it will be said, that, having submitted your case to the court, you would have availed yourselves of the judgment, had it been in unison with your opinions; but as it was adverse, you refuse to abide by it.

How, then, do you propose to act? Having declared that the court, by presuming to decide upon matters of privilege, has been guilty of contempt, do you attempt to attack the chief authority? No; it is proposed to proceed against the ministerial officer, who will be placed in this anomalous situation, — that if he levy, in conformity with the decision of the court, this House will commit him for a breach of its privileges; and if he obey this House, and do not levy, that the Court of Queen's Bench will commit him for disobedience. Is the sheriff the party who ought to be made responsible for violating the privileges of this House? No; it would be more consistent with the boldness of proceeding which has been recommended, if this House held that the court and tribunal had been guilty of contempt, and should commit the superior officers, if they persisted, instead of proceeding against the inferior officer, who is bound to obey the orders and decisions of the court, — who naturally looks up to his superiors, and is merely an instrument in their hands. It is a bad and dangerous example to set to the ministerial officer, — it is, in fact, teaching him not to obey the law of the land. What is the course that the House has pursued? It submitted to the tribunal; — the House had the power of stopping the proceedings at once, by telling the individual who was plaintiff in the cause, that he had no right to go to any other tribunal than this House, as it was the only judge of matters involving its own privileges, and that if he persisted he would be committed for contempt. The House, however, allowed and instructed its servant to plead, and directed counsel to appear for him before the court. The Attorney General appeared and argued the case, for three days, in the most able manner. You allowed the court to consider the case, and to believe that you submitted the matter to its decision, and that you were a willing party before it; — nay, the judges were bound by their oaths to deal with the case and decide one way or the other; — and, in confirmation of this view of the case, I would ask, how did the Attorney General conclude his speech to the court? Why, in a manner to confirm such an opinion in the minds of the judges. The Honourable and Learned Gentleman concluded in these words: — "My Lords, I pray judgment for the defendants." Yet it is proposed, that the officer who acted for the sheriff of London should be committed if he levy the execution! I ask, is this the proper step to take after the course the House has allowed to be pursued?

So far then, Sir, with respect to my personal consistency, I trust I have satisfied the Honourable Member opposite that I foresaw all these difficulties, and that I was influenced by the consideration of these consequences in proposing the course which I formerly suggested.

And now, as regards my opinion on the subject immediately before the House, I have no hesitation in saying that I believe this privilege of determining what shall be published for the information of the public mind is absolutely essential to the usefulness of Parliament, and to the proper discharge of legislative functions. I do not believe it possible that you could sit for one week, with honour to yourselves or advantage to the country, if you were liable to have this privilege questioned in a court of law. Once you are questioned in the Court of Queen's Bench, you may be questioned by any subordinate court of judicature in the empire: but I care not for that; for if it be competent for any superior court — even the highest — to determine upon the publication of these papers, from that moment you hold your privileges on sufferance; and then, I say, you had better suspend the attempt to exercise them at all, than exercise them under such circumstances. Am I to be told that I shrink from giving an opinion on this subject, or from the consideration of what is best to be done under the circumstances? No! But I feel this question of maintaining intact the privilege of this House so strongly, that I will not consent to encumber it with the consideration of injury inflicted upon a single individual. We have also to consider whether we present ourselves in the best position, in thus refusing acquiescence in the decision of a court of law, after having, to all appearance, submitted our case. The Report states, that it is the duty of the committee to present to the House a full and comprehensive view of the practical bearings of the question. Now, we are well aware that the course recommended is not one likely to be successful, unless it should meet with very general concurrence and support. I cannot but regret that it is necessary to take any practical step before there has been an

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opportunity of enlightening the public mind upon the merits of the question. I really believe that nine out of ten people are disposed to decide the question upon the ground that the House of Commons has opened a shop for the sale of papers of this description; whereas the Lord Chief Justice has given his opinion, that the fact of the sale of the papers forms no element in the consideration of the case. The real question is, whether it is expedient for the House, in the present imperfect state of information existing in the public mind, to decide, this night, at all hazards, to retrace its steps, as such a course is called, and to direct the sheriff not to execute the judgment pronounced by the Court of Queen's Bench? or, whether it would not be better to wait until the whole matter can be fairly and deliberately reviewed? There are several courses open to the House, to which I see many objections; but upon which, nevertheless, I do not wish to decide while the public opinion remains in its present state, and when the House itself has not fully considered all the consequences of the various courses proposed to it. My own opinion is, that it is now too late to retrace the step which has been taken; and that it was the duty of the House, in the first instance, to have refused to submit the question of their privilege to the arbitration of the Court of Queen's Bench; and I have a strong warrant for the correctness of that conclusion, in the indication of opinion which appeared in the course of the very judgment now under discussion, with reference to the position in which the House would have stood, if, instead of defending the action, it had committed the plaintiff for contempt. In the course of that judgment, Mr. Justice Littledale laid down some propositions which went to show that, if the latter course had been taken, the Court of Queen's Bench would have had very great difficulty in coming to a decision adverse to the privilege of this House. Mr. Justice Littledale said that, in the case of commitments for contempt, the House was the sole judge whether it was a contempt or not; and that there was no doubt as to the right, as exercised by the House of Parliament, with regard to contempts. I think that, by taking this course, the House would have stood a greater chance of having public opinion on their side; and in public opinion consists their principal support, — for their privileges are not held by the House for the benefit of its own Members, but for that of the public. If it were only with reference to the effect of the proceedings upon the opinion of the public, I confess, I should be sorry to be obliged, in the discharge of my duty in this House, to consent to commit the sheriff of London to prison for obeying the orders of the Court of Queen's Bench. Nor would the matter end there: the House may depend upon it that the judges would interfere to protect their officer, and that it would become necessary to bring the judges to the bar of the House, and to commit them also. Those consequences, however, would constitute no reason why the House should not do its duty, if it was a clear one, and one upon which no doubt existed. If a similar case occurred to-morrow, I should recommend that the House should deal with it without hesitation; and determine that, as a case involving its privileges, it should not be submitted to a court of judicature. In such a case, there would be a proper exercise of the authority of the House of Commons, when it committed for contempt. But I hesitate in giving it as my opinion that it is the duty of the House to resist the authority of the Court of Queen's Bench, after having once submitted to its jurisdiction. To return, however, to the opinion of Mr. Justice Littledale, to which I have referred. The whole passage of the learned judge's speech is in these words: —

> There is no doubt about the right, as exercised by the two Houses of Parliament, with regard to contempts or insults offered to the House either within or without the walls: there is no doubt, either, as to the freedom of their Members from arrest, nor of their right to summon witnesses, to require the production of papers and records, and the right of printing documents for the use of the members of the constitutional body, and as to any other thing which may appear to be necessary to carry on and conduct the great and important functions of their charge.

I will therefore say, do not disregard public opinion on this or other similar constitutional subjects; but take care that, in your proceedings, you have that most powerful sanction. The Honourable Gentleman who moved the amendment said that he was satisfied that any person who was at all acquainted with the subject, and that all classes of society, would coincide with them in an attempt to vindicate and maintain the privileges of this House. I do not think that the proceeding which the Honourable Gentlemen has proposed is the right mode to be adopted. It is, however, of immense importance that any erroneous impression which has been produced on the public mind should be removed, that it [may be shown] that the maintenance of the right was essential for the public welfare. But to pro-

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ceed with the opinion of Mr. Justice Littledale:—

In the case of commitments for contempts, there is no doubt but the House is the sole judge whether it is a contempt, or not; and the courts of common law will not inquire into it. The greater part of these decisions and *dicta*, where the judges have said that the Houses of Parliament are the sole judges of their own privileges, have been where the question has arisen upon commitments for contempt, and as to which, as I have before remarked, no doubt can be entertained. But not only the two Houses of Parliament, but every court in Westminster Hall, are themselves the sole judges whether it be a contempt, or not; although, in cases where the court did not profess to commit for a contempt, but for some matter which, by no reasonable intendment, could be considered as a contempt of the court committing, but a ground of commitment palpably and evidently unjust, and contrary to law and natural justice, Lord Ellenborough says, that in the case of such a commitment, if it should ever occur (but which he says he could not possibly anticipate as ever likely to occur), the court must look at it and act upon it as justice may require, from whatever court it may profess to have proceeded.

If the other judges concurred in this opinion of Mr. Justice Littledale, then, I say, I would fight the battle of privilege upon the question of contempt, rather than, by pleading in the action first, submit to the judgment of the court, and then refuse to abide by its decision, because it is unfavourable. These are the grounds upon which, while I cordially concur in the resolution of the House upon the subject of its privileges, I cannot advise it to tell the sheriff that if he proceeds to execute the judgment of the court he shall be committed. Neither can I advise the House to appeal from the judgment of the Court of Queen's Bench to the Exchequer Chamber or to the other House; for, by so doing, it would be still further recognising a breach of its privileges. Many difficulties would arise from attempting to pass a declaratory or enabling Act. Let not those remedies be resorted to, until the efficacy of a committal for contempt has been fairly tried. I have no doubt that, even if that course were taken, the question would be brought before the Court of Queen's Bench; but then the House would have the *dicta* of learned judges in its favour. The House is only asked by the Noble Lord the Secretary for the Home Department to pledge itself to the immediate consideration of its present position; and, upon a fair balance of the conveniences and inconveniences of each of the courses before it,—taking, also, into consideration the actual state of the public mind upon the subject,—not to acquiesce in the judgment which has been given, but merely to refrain from taking any step to prevent that judgment being carried into execution. I still retain the opinion, that this privilege of the House of Commons is absolutely necessary to the effectual exercise of its authority, and the proper discharge of its functions; although there may be some difficulty in deciding, what it may within a few weeks become necessary to determine,—namely, in what way the House ought to proceed in the vindication of its privileges.

The ATTORNEY GENERAL.—Sir, I feel, very strongly, the truth of an observation made by my Noble Friend the Secretary of State for the Home Department, that this is not a Government question. Sir, this cannot be a party question, for in it are involved the privileges of the Commons of England; and all the Members of this House have but one common duty to perform,—namely, to assert their privileges for the benefit of their constituents. I feel myself called upon to differ from my Noble Friend the Secretary for the Home Department, and from the Right Honourable Baronet the Member for Tamworth, as to the line of conduct which they have severally recommended the House to adopt. I am of opinion, that the time has now come for the House to make a stand; and that, unless it do so, its privileges are for ever gone. It has not been made a party question hitherto, for, in the vote which I gave in the committee upon this subject, I was joined by the Right Honourable Member for Montgomeryshire and the Honourable Baronet the Member for Stamford, and by other Honourable Gentlemen on the opposite side. I hope that, when the House comes to a division to-night, it will turn out that this is, really, no party question. In the first place, I must observe that the Honourable Baronet the Member for the University of Oxford is quite consistent in the course which he has taken, and, upon his own premises has come to a just conclusion. The Honourable Baronet thinks that the House ought to have no such privilege as that which it now claims, and therefore he very properly infers that the judgment of the Court of Queen's Bench ought to be acquiesced in. On the premises assumed by the Honourable Baronet, it would, of course, be a monstrous injustice to resist the payment of damages in a case like the present; for it would be nothing else than setting an example to individuals of resisting the execution of a solemn judgment pronounced by a court of competent jurisdiction. The Honourable Baronet, therefore, was

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quite right in arriving at such a result, upon his own hypothesis. But when I hear my Noble Friend the Secretary for the Home Department declaring that it is essential for the House of Commons to possess the privilege contended for, and that without it the House could not properly discharge its duty,— when I find my Noble Friend is of opinion that this judgment was an improper one, and contrary to the privileges of one House of Parliament,—and when I find the Right Honourable Baronet opposite agreeing with my Noble Friend, — then I must say, that, concurring with my Noble Friend and the Right Honourable Baronet in those opinions, — taking my Noble Friend's premises for granted,—I cannot but think that the conclusion to which my Noble Friend has come is most erroneous. If this House has privileges, and if one of them, highly essential, be invaded, there must be some means by which such a privilege can be vindicated; and as no other plan has been pointed out, I think that the judgment which has been given ought not to be acquiesced in. My Noble Friend has said — and I agree with him in saying—that what is unjust is wrong——

[Laughter.]

—and that, if John Joseph Stockdale has acquired, by a lawful judgment, a right to receive 100*l.*, the House would be guilty of great injustice in depriving him of it. But my Noble Friend does not think the judgment a lawful one: he says the judgment is wrong; and that it is a flagrant usurpation, on the part of the Court of Queen's Bench, of one of the most valuable privileges of the Commons of Great Britain. If it be a lawful judgment, let it be obeyed; but if it be an unlawful judgment, let it be resisted: and my Noble Friend, by concurring in the very Report now under discussion, has declared the right of the House to offer resistance upon such an occasion. In that Report it is set forth, that the House might avail itself of the constitutional power which it possesses, to prevent the execution of the judgment obtained against Messrs. Hansard. If that constitutional power were to be surrendered, every other privilege would follow; for it is placed in the same category with privilege from arrest, with the power of summoning witnesses, with that of compelling the production of deeds and documents, and that of committing for contempt. But suppose the judges of the Court of Queen's Bench to say, "You can punish persons for breaches of privilege in proper cases,— but we must determine what are proper cases." Now suppose the case of a person committed for equivocation at the bar, and who brings his action; suppose a plea to be put in, which plea is overruled, and that the sergeant-at-arms is called upon to pay damages. Suppose, in the case of Burdett *v.* Abbott, judgment had been given for the plaintiff, instead of the defendant; suppose the plea had been overruled, and that Lord Ellenborough and the other judges had held that there was no defence; damages would have followed,— not 100*l.*, as in this case, but probably 5000*l.* What would the House then have done? Would it have allowed the mace to be taken in execution?

[Cries of "Hear!" and laughter.]

—for the action, there, was against the Speaker of the House of Commons. Would the House have suffered the sheriff of Middlesex to enter the Speaker's house and carry off that "bauble"—which would, in that case, be a bauble, indeed? or would the House have permitted the sheriff to seize the Speaker's furniture— his chairs and tables— in satisfaction of the damages? I apprehend that the House would have permitted no such thing, but would have given notice to the sheriff, as it is now proposed to do, not to levy the damages; and would have committed him for violating the privilege of the House of Commons, if he had refused to obey its order. Where, upon the premises laid down by my Noble Friend the Secretary for the Home Department, and the Right Honourable Baronet the Member for Tamworth, is the distinction between the case which I have just supposed, and that now before the House? They would have said as they now say, that they could not advise an appeal to the Court of Exchequer Chamber, nor the passing of a declaratory or an enabling Act. What, then, would have been the course which they would have recommended? Why, what other could it have been than that suggested to the committee by the Honourable and Learned Member for Newark and the Honourable Member for Bridport? The Right Honourable Baronet the Member for Tamworth rested the whole of his argument on this ground,— that the House has appeared in the action. He thinks the House ought to have resisted in the first instance. Now, with great respect to the Right Honourable Baronet, I must say that such an opinion is completely a mistake and a delusion, and that there is no reason whatever for

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the House to repent of the course which it has taken. If it had committed Stockdale for contempt, it would not have carried public opinion with it. Its situation is now a different, and, in my humble judgment, an improved one. In the first place, after the determination to which the House had come, upon mature deliberation, in the case of Burdett *v.* Abbott,—after appearing and pleading in that case,—how could the House have neglected the precedent which it had itself made, and have committed Stockdale for contempt? Was it not calculated to have a greater effect in obtaining the concurrence of the people at large, if the House acted in this case as it had acted in the former instance; and, in the first instance, placed its confidence in the regular tribunals of the country, which hitherto had acknowledged and supported the privileges of Parliament? But, in the second place, let me remind the House that the committal for contempt would not have stopped the action. The plaintiff, although in goal, would have gone on to file his declaration; judgment would have gone by default; and damages would have been levied under a writ of execution, just as they may be to-morrow, unless the House interfere. The Right Honourable Gentleman, in support of his view of the case, quoted the opinion of Mr. Justice Littledale. Now, although it is true that that learned judge intimated his opinion that courts of common law had no jurisdiction to examine the grounds of commitment for contempt by the two Houses of Parliament, yet Lord Denman appeared not entirely to concur in that opinion, and cited the cases of "The King *v.* Patys," and "The King *v.* Curry." So that, in the first place, if the Lord Chief Justice retained this opinion, Stockdale would have triumphed; he would have been discharged under the writ of *habeas corpus*; and, in the next place, whether he was discharged, or remained in Newgate, the action would have proceeded; the House must have appeared and pleaded, or have suffered judgment to go by default; and, in either case, the House would have been placed in the same dilemma as that in which it now finds itself. Therefore I cannot regret the course which the House has taken. It has proceeded in the vindication of its privileges with moderation and patience, and has done all that lay in its power to avoid, as long as possible, a collision with the courts of ordinary judicature in this country. The House appealed to the Court of Queen's Bench, in the confident expectation that that court would respect its privileges, and act on established precedents. What was done in the case of Chief Justice Pemberton and Mr. Justice Jones? They stood at the bar of the House for having given a most unrighteous judgment; and their defence was, that the House had pleaded to the jurisdiction,—and that if the House had pleaded in bar, they would have given judgment in its favour. So that, on the authority of Chief Justice Pemberton and Mr. Justice Jones, when the plaintiff did plead in bar, and show that the decision was by the authority of the House of Commons, the authority of the House of Commons was respected. Suppose, in the present case, that the decision had been the other way, and there had been judgment for the defendant; would not the whole House have rejoiced in the line of conduct it had pursued? Would not the public have rejoiced that a collision had been avoided? As to John Joseph Stockdale, he might have applied for a *habeas corpus*, and would have been liberated. I allow that the difficulties in the case are very great—that they are unexampled. But why? Because a court of common law has taken upon itself to overrule the privileges of this House. This is a case which the constitution did not anticipate, and for which, therefore, no remedy has been provided. Since Westminster Hall has existed,—with the exception of those infamous judges who disgraced the reigns of Charles II. and James II.—with the exception of the case of "The King *v.* Elliott," where the judges did maintain that Members of Parliament might be amenable for what was said in Parliament,—with these exceptions, the judges of Westminster Hall have uniformly respected the privileges of both Houses of Parliament. I am bound to say, conscientiously, that it is my firm opinion that the decision of the Court of Queen's Bench in the case of "Stockdale *v.* Hansard" is contrary to law;—that it is a usurpation of the privileges of the House of Commons—a flagrant usurpation of those privileges—by the Court of Queen's Bench.

As to the House having submitted to the jurisdiction of the court by pleading, I will suggest this case;—suppose an action to be brought on the commitment of a Member of Parliament for words spoken in his place in the House,—suppose he were to bring an action of assault and false imprisonment,—the House would be bound to plead, for the court would have jurisdiction on the subject. Well, there would be an appearance and a plea; and the Speaker—(for against him the action would be brought)—would allege that the Member had been guilty of a breach of

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privilege. There would be a demurrer to the plea, and judgment on the demurrer; and then the House would, in such a case, submit to the Court of Queen's Bench the question, whether or not it had a right to exercise a jurisdiction over its own Members? If the Court should decide, in such a case, that the House had no such jurisdiction, and should give judgment against the House, would it be said, "Let us pass it over now, but we won't submit next time; *pro hâc vice*, we will allow the judges of the Queen's Bench to be the arbitrators of the privileges of the House, and we will not resist the execution of the judgment they have pronounced?" I apprehend the House would be bound to resist it; and it is the same thing, now. With all respect to the Right Honourable Baronet, I must say that he is guilty of a mere fallacy. He might just as well say that he would submit to the Court of Queen's Bench whether both Houses of Parliament and the Queen have a right to legislate? They have a right to legislate in the land, but no better right than the House of Commons has to determine its own privileges.

Then, what is to be done? I concur in the view taken by the Right Honourable Baronet of the different courses. I think the House cannot appeal: though I might hope that the judgment might be reversed, yet a writ of error would be a voluntary act; and, if the judgment was affirmed, it would be impossible to resist its execution. What is the next course that has been suggested? — A declaratory Act; and I agree with the Right Honourable Baronet that this would be highly inexpedient, because I think the law is abundantly clear already; and, although the Bill might pass this House, its fate elsewhere cannot be known, and there is the greatest objection to the passing of a declaratory Act in the face of the unanimous judgment of the Court of Queen's Bench. If the House should persist in holding that the judgment was illegal, that is another thing; but if it pass a declaratory Act, it will have acquiesced in it. Then, an enabling Act is still more objectionable and humiliating; for it would not only be an acknowledgment that you have not the privilege for which you contend, but it would be a confession that you have no privileges but such as the judges of the Queen's Bench choose to allow,—that is, that they are judges of the privileges of the House of Commons; though those very judges (the predecessors of the present judges) have said, over and over again, that they knew not the law of Parliament, — that it was a law they were not called upon to administer, — that the House of Commons, and the House of Commons alone, or both Houses of Parliament, were the judges each of its own privileges, and the constitutional tribunals to decide these questions. The present judges say that the House may examine witnesses, and do various other acts, and that its Members are free from arrest; but I know not what their successors may be disposed to decide; for the predecessors of the existing court had declared, as I have said, that Parliament alone has the power of inquiring into and of deciding upon its own privileges. If, therefore, the present judgment were admitted, it is impossible to say where the current which runs against you might stop. In the case of "Ashby *v.* White," Lord Holt gave an opinion contrary to that of the other three judges of the court, and all the judges since Lord Holt have said that Lord Holt was wrong; but Lord Denman says that Lord Holt's reasons were more easily outvoted than answered. What, then, is to be done? It has been said, "The next time any such action is brought, we will commit." Commit whom? — the plaintiff, for bringing the action? That, the Court of Queen's Bench have decided, may be done according to law, — and that you have acquiesce in. Then, what is to become of these damages? How are they to be paid? I presume that they will form an item in the Miscellaneous Estimates. But will not that document be quoted, hereafter, to show that this House did acquiesce in this judgment so far as to pay damages out of the public purse? Then, when next an action is brought, if the House should commit the plaintiff, I undertake to say that it would not carry with it public opinion so much as it does now. But suppose the House were to commit the plaintiff, it could not stop the action; it would go before the same tribunal, which would have to decide whether the action was maintainable or not; judgment would go against the House; there would be another assessment of damages; and the House would have again to say whether the damages should be paid, or the sheriff be committed; and how would the House be in a better situation, then, than now? I say that the House would be in a worse situation, for it would have a judgment against it in which it had acquiesced: and would it not be hard to say to the plaintiff, — "You shall go to Newgate, though we have thought it right to pay 100*l.* to Mr. John Joseph Stockdale?" Would this be just? I admit that my mind vacillates on the subject. So long as I thought any other course could be adopted, I would not re-

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commend the present; on the contrary, I would have rejoiced if any other course could have been pointed out. But the position of the Right Honourable Baronet is, that it is a choice between resistance now and resistance hereafter, seeing that the next time an action is brought, the plaintiff might be committed. I think that that would be deferring the evil day to a period when public opinion might be against the House; and there would be this additional difficulty,—that it would be resisting, in one case, what it had acquiesced in, in another. I admit that the case is full of difficulty; but we are not bound to suppose that the sheriff would be placed in the disagreeable situation suggested. The House would record its opinion that it was a case of privilege; and it is impossible that the judges of the Court of Queen's Bench could be of opinion that a writ ought to be sued out, and that Stockdale ought to be paid damages. Is it to be supposed that the judges would issue illegal orders? If the Court of Queen's Bench were to issue an order to pay the damages, they would be issuing an illegal order, and an order against the privileges of this House; and, if so, the House would be only calling upon the sheriff of Middlesex not to execute a writ contrary to the law of the land.

Sir, I feel deeply that this is a most serious crisis at which we have arrived; but I maintain that this House has not been involved in the difficulty by any fault of its own. And here let me be permitted to observe, that I cannot speak of the judges of the Court of Queen's Bench but with profound respect; I entertain the highest veneration and esteem for all those learned judges; but in this case, affecting the privileges of the House, I say that the crisis has not been produced by any blame of its own. And not only has the Court determined that the privilege claimed by the House is a usurpation, but the judges have asserted a right to examine all your privileges. Mr. Justice Patteson, above all others, laid down the rule, that if a declaration disclosed any circumstance over which the court had jurisdiction, although it should appear that that act had been done by the authority of either House of Parliament, the court had a right to be judges of the privileges of this House. This was a most alarming *dictum*. Either this House is paramount, or the Court of Queen's Bench is paramount. The judges say, the court is paramount. The constitution has provided no specific remedy for such an evil; but I think that the least evil, now, would be to resist the writ. I do not despair of public opinion being, now, in our favour, more especially when the public must see that it is no immunity for ourselves, that we are contending for; that it is for the benefit of our constituents, to let them know on what it is we are legislating; and the matter in dispute is a mere trifle. The Court of Queen's Bench have said that the House might print 658 copies for the use of its Members, and if any damage ensued to private character from the dissemination of those 658 copies, it was *damnum absque injuriâ*. But is it not palpable that an individual may suffer as great a slander by the circulation of 658 copies, as if it had been proclaimed by sound of trumpet? Then, Sir, I would ask, who is the hero in the present case? On whose account are the privileges of this House called in question? The author — no, not the author, the publisher — of the *Memoirs of Harriette Wilson*, — a book so infamous, that, in an action brought against Stockdale for printing it, he pleaded his own infamy, and said the book was so immoral that any contract respecting it was an immoral contract, and could not be enforced. Is it likely that the House could calculate, with any probability, hereafter, more strongly upon the concurrence of public opinion than in such a case? Sir, I have thought it right thus to express my sentiments. I have looked round and round, most anxiously, to discover any other course to be adopted; but I can find none better than that suggested by the amendment which has been moved. I am strongly of opinion that the time has come at which this House must make a stand, or its privileges are gone for ever; and, upon these principles, I shall vote for the amendment.

Mr. PEMBERTON. — Sir, I must be permitted to observe, that, in whatever observations he has made, in whatever arguments he has used, on this question, my Honourable and Learned Friend has been far from consistent. I did believe that, from the first day on which he declared his opinion, to the last, he had distinctly said, again and again, that there were many courses open to the House to adopt. "You may bring in a declaratory Act; you may bring in an enabling Act; and you may, in future cases, assert your privileges: but there is one course which you must discard as not to be considered." "What!" said my Honourable and Learned Friend, the assertor of the law of the land and of the privileges of Parliament, "can you invite a plaintiff into a court of justice, — submit his claims to the determination of

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the judges, — argue the question at their bar for three whole days, — require and compel them to pronounce sentence, — take advantage of their judgment if in your favour, — go to a jury and have the damages assessed, taking the chance of one farthing or one hundred pounds; — can you do all this? and then can you — in common decency can you — turn round and tell the people of England that you have consented to abide by this chance, that you do not complain of the damages awarded against you being excessive, but that you do complain that the judgment of the court is against you?" I ask, Sir, — did my Honourable and Learned Friend, from first to last, until this evening, express any other opinion than that? Those who dissented, originally, from the resolutions of 1837, have the satisfaction of knowing that they are embarrassed by none of the difficulties which now environ this question. We voted against the resolutions, not because we doubted that the House of Commons had privileges, but we voted against them because they laid down the law, as I can show by my Honourable and Learned Friend's own admission at the bar of the Court of Queen's Bench, in opposition to the admitted, acknowledged law of the land; we voted against the course then taken because we considered it entirely illegal. But we are now ready, as we ever have been, to concur in any measure the House may consider necessary for the purpose of conferring on you the power — which I contend you have not by any privilege you possess, or any means of enforcing any privilege you possess — of protecting all persons acting under your authority from criminal or other proceedings in courts of justice. Sir, I repeat, my Honourable and Learned Friend appears to have been guilty of inconsistency throughout. When the action was brought, what said my Honourable and Learned Friend? Did he say, "Commit the plaintiff" — "Use your privileges?" No, Sir; he said, "Abandon them." "Let the Members of this House," to adopt the expressive and eloquent phraseology of the Honourable Member for Kilkenny, "be dragged through the mud." My Honourable and Learned Friend said, "Don't be apprehensive; place yourselves under my guidance." But the Right Honourable Baronet the Member for Tamworth said, "Let us pause; suppose we are mistaken:" and now that the Right Honourable Gentleman, with perfect consistency, objects to a course of which he foresaw the results, you turn round and accuse him of inconsistency! The Honourable and Learned Gentleman opposite has been leading us through this case for the last two years; and, now that it has terminated, we are at the very opposite points of the compass. We are now asked to try another road; but are those who propose it certain that it will lead to a different result from that which we have already arrived at? Sir, I apprehend the only question now is, whether, in the present state of the proceedings, we can, with common justice or common decency, interfere to prevent the execution of the writ? And if we did attempt it, could we by possibility succeed? Observe what course you could adopt. There is none open to you but the vindictive one of committing the party to prison,—and that you could not do without justifying such a step by some reasonable grounds. Mr. Stockdale complained of a libel having been published by an officer of the House of Commons, and brought an action against him. Did the House of Commons appear in that action? I would ask those Gentlemen who are insisting that the judges have decided directly against the privileges of the House of Commons, whether the Attorney General was or was not distinctly instructed by the House, itself, to appear for the defendants in that action, and to call for the judgment of the court in their favour? The Honourable and Learned Gentleman put in a plea that the publication was justified, because it was under the order of the House of Commons.

And here I would take the liberty of requesting the attention of Honourable Members to a circumstance of no little importance, and to which I referred in the committee, — namely, the misstatement of the date of their own resolution. The very resolution of the House of Commons which stated that the publication of their proceedings was essentially incidental to the functions of Parliament, and especially of the House of Commons, — that very resolution which, it has been stated, was twelve months antecedent to the date of the action, — was not passed for twelve days after the action. That was a very important error — an error which I am sure no one would attempt to defend by saying that we ought to meet such a case by an *ex post facto* proceeding. The Attorney General admitted the insufficiency of that resolution, and thereupon both parties called for judgment. Where, then, is the act of contempt? and who was guilty of it? Was it the judges, or the counsel, or the jury, or the sheriff? And

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if no party have been guilty of contempt, — if you assented to the prosecution and conduct of the action, — if you met the party in a court of law, and there contested the question with him, — can you, in common decency, attempt now to interfere and arrest the progress of the decision which has been made in that court, rob the plaintiff of its fruits, and expose him to all costs which had been incurred in a prosecution, that you had invited him to continue? If you had had judgment in your favour, the costs would consequently have fallen on the plaintiff in the action; — but it turned out otherwise; the plaintiff has obtained judgment, and he now calls for the fruits of it; and yet you propose to interfere and supersede the law of the land, which, in this case, you distinctly invoked. I would ask how any man could, with common decency, put forth such a case as that to the people of England? Is there any one who could believe that the people of England would do otherwise than cry shame upon the House of Commons for such an enormous outrage? In what position would it place you? You first endeavour to obtain judgment by fair means; then, like the fraudulent gamester, who first takes his chance of the die, and afterwards tries to evade the just payment of the debt by bluster and intimidation, you endeavour to deprive the successful party of the fruits of the result by an unjust and arbitrary proceeding. The Honourable Member for Bridport it is, I believe, who has called upon the House to vindicate the resolutions of 1837. But has the Attorney General vindicated those resolutions? He has not; — he, doubtless, will not; — and I can prove, from the Honourable and Learned Gentleman's own argument and admission, that he distinctly abandons that part of the resolutions of the committee of 1837, which states, —

> Your committee, having considered the subject of parliamentary privilege, and the jurisdiction of this House to determine the extent of its own privileges, submit as their opinion, that, by the law and usage of Parliament, the House of Commons does possess an exclusive jurisdiction, and that it is a breach of its privileges to bring them into discussion for decision before any other tribunal, directly or incidentally, and that such breach of privilege subjects the parties to punishment by this House.

Now, I would ask, is there a lawyer in the House — not excepting the Honourable and Learned Attorney General — who is prepared to stand by that resolution, or say it should be enforced? I believe there is not. The next resolution is similar in substance, and states, generally, that the action brought against Messrs. Hansard is a breach of the privileges of this House. But I beg the attention of the Learned Member for Newark to pages 15. and 16. of the Report of the proceedings in this case; and, having read them, to say whether it was not distinctly admitted by the Attorney General that it was no breach of privilege to discuss any question of privilege that came "incidentally" before a tribunal? Having stated this, he says that his proposition is, that the question, being one of privilege, arises directly — not incidentally, — and that, over it, a court of common law has no jurisdiction. My Honourable and Learned Friend the Attorney General states that the judgment was erroneous; but, if he dare not dispute its legality, upon what pretence can he resist the execution of it? What advantage will you gain by doing so? You may threaten to commit the sheriff; but what would be the result? Would that prevent the execution of the writ? No; for if the sheriff disobeyed the Court of Queen's Bench, the writ would be executed by others, while the sheriff would be liable to be committed for contempt of the Court of Queen's Bench, and also to an action from the plaintiff for refusing to levy the damages which had been awarded him. Again, what would be the consequence of an attempt to commit the sheriff, in case he proceeded to obey the Court of Queen's Bench? Do you suppose that the Court of Queen's Bench will allow its officer to be thrown into prison at your instance? I am persuaded, if you do suppose any such thing, that you will find yourselves greatly mistaken. I am persuaded, moreover, that the people of England would not tamely stand by and see the authority of the courts of justice set at nought, and the laws subverted. I am convinced, too, that the House of Lords would interfere. But will you venture to commit the judges? Will you commit Lord Denman? Do not flinch from the consideration of that. It is idle to commit the sheriff. It is weak and paltry to take vengeance on those who have no power of defence, and shrink from the encounter with those who have directly authorised the proceedings. But you will not attempt to touch the judges. Why? Because you dare not do it; — because you know you cannot do it by law; — because you know the people would not stand by and see you attempt it. The very stones of Westminster Hall would cry aloud at such a monstrous exercise of arbitrary power under the name of "privilege." We are

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told it is a breach of the privileges of the House of Commons for a court of justice to decide contrary to their determination. But the same authority tells us that it was not the privilege of the House of Commons, or of the House of Lords, but of Parliament — the same in both Houses. Now, it appears that the House of Commons, in 1703, resolved just as they have recently resolved. On the 26th of January, 1703, the House of Commons passed the following resolution: —

That whosoever shall presume to commence or prosecute any action, indictment, or information, which shall bring the right of the electors, or persons elected to serve in Parliament, to the determination of any other jurisdiction than that of the House of Commons (except in cases specially provided for by Act of Parliament), such person and persons, and all attorneys, solicitors, counsellors, and serjeants-at-law, soliciting, prosecuting, or pleading in any such case, are guilty of a high breach of the privileges of this House.

The present House of Commons has come to a resolution which could be rendered similar to this by substituting the words "action for libel," for those referring to the "right of electors" in the resolution I have just read. But what, let me ask, had the House of Lords done at the same period? On the 27th of March, 1704, they came to this resolution: —

That the declaring Matthew Ashley guilty of a breach of privilege of the House of Commons, for prosecuting an action against the constables of Aylesbury, for not receiving his vote at an election, after he had, in the known and proper method of law, obtained a judgment in Parliament for the recovery of his damages, is an unprecedented attempt upon the judicature of Parliament, and is, in effect, to subject the laws of England to the votes of the House of Commons; that the deterring electors from prosecuting actions in the ordinary courts of law, when they are deprived of their right of voting, and terrifying attorneys, solicitors, counsellors, and serjeants-at-law, from soliciting, prosecuting, and pleading in such cases, by voting their doing so to be a breach of the privileges of the House of Commons, is a manifest assuming a power to control the law, to hinder the course of justice, and subject the property of Englishmen to the arbitrary votes of the House of Commons.

Looking to the resolutions so frequently referred to in the course of the present discussion, I find them diametrically opposed to each other; and will any one in this House tell me that the courts of law must take the determinations of one of the Houses of Parliament as a sole and infallible guide? It really would seem that Stockdale is the only party by whom a breach of privilege has been committed; and the absurdity lies in this, — that the House does not attempt to punish him. You appear quite disposed to deal out a severe measure of punishment against the counsel, against the attorney, against the judge; but not a word about inflicting any punishment upon Stockdale, who has, if any one has, been guilty of a breach of your privileges. You appear disposed to punish those who could not, if they would, obey you, — who certainly could not obey, for the House had never intimated its wishes or commands. Do Honourable Gentlemen recollect that the sheriff of London has solemnly sworn to execute the writs which her Majesty's justices may issue? Can it form a part of the privileges of the House of Commons to punish him for not violating his oath? The Court of Queen's Bench would punish the sheriff for not executing the writs; and will the House of Commons, then, punish him for executing them? I firmly believe that there is no part of the civilised world which would not condemn such a course of proceeding. I entreat the House to pause — I entreat Honourable Gentlemen to bear in mind the present disturbed state of the country, and the influence these proceedings may have upon the public mind. And mark, too, the time at which this course is proposed. When a spirit of opposition to the law is abroad — when districts are so disturbed, that the Noble Lord the Home Secretary has invited men to arm in associations for protection, — in such a state of things it is proposed that the House of Commons should set the frightful example of a barefaced opposition to the solemn doctrine of the judges, and the acknowledged law of the land. I cannot entertain the shadow of a doubt that the motion of the Honourable Member for Bridport will be negatived by this House. I am glad, now, to abstain from entering into the consideration of the question, as to what power the House ought to have, which, however, sooner or later, must come before you. You have not the information to enable you to decide it, and therefore it is better postponed. But I have heard it suggested, by what I consider high authority, that it might be possible, without any compromise of the dignity of the House, to place this matter on a footing which, while it should effect no alteration in the law, would work the greatest alteration in public feeling. It is clear that if you refer the question at issue to the decision of any other tribunal, you must admit that you are bound in law by the judgment of that tribunal; whereas if you confine yourselves to the simple case before you, much of the embarrassment by which you are surrounded may be removed. You

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are in a position in which you may, with some prospect of success, conciliate public feeling by rescinding an objectionable resolution, and making it evident that you seek for the establishment of privilege barely to the extent that is necessary for promoting the public interest, by the due discharge of the functions of the representatives of the people. But if you proceed to threaten the counsel and the attorneys, I hesitate not to tell you that you must be defeated. You may commit one barrister, but a hundred members of the profession would start forward to fill his place. Although little disposed to offer myself as a martyr, yet I, for one, would not be backward in discharging the duty which the bar owes to those who have claims upon their services. From the oldest and most eminent members of the profession — from my Learned Friend Sir Charles Wetherell to the junior who was called yesterday — there are hundreds who would infinitely rather incur your severest displeasure and endure the heaviest punishments which you could inflict, than be exposed, for a single hour, to the silent scorn they would meet in every eye if they shrunk from the duty they owe to their profession. It being so clear as to need no proof, that, if you enter into a contest with the bar, you must be defeated, I desire to know if you are disposed to enter into a conflict with the House of Lords? It is not unworthy of remark, that privilege is only thus maintained when it becomes subversive of the law of the land. I trust that you will not enter upon any course resembling those contests, the possibility of which I have been supposing, for you cannot come out of them with anything but discredit. If you succeed, it must be a triumph over the independence of the judges, over the majesty of the law, and over those rights and liberties of which you ought to be the chief and the foremost defenders.

Mr. SERJEANT WILDE. — Sir, although I am very unwilling to take any active part in this discussion, I cannot help attempting to contribute, to the utmost of my power, such information as may be necessary for the due consideration of the question. It appears to me, that any one who gets up to offer advice on this occasion, without feeling that it may lead to consequences extremely serious, — without feeling that he offers that advice under great responsibility, — would render his counsel innocuous, by showing that he did not duly appreciate the important occasion which had called it forth. Sir, I have bestowed some attention on this subject; but that attention was bestowed only with the most anxious desire to inform myself of the true conclusion which belonged to the question. And I am now desirous of respectfully submitting to the House what appears to me to be that conclusion, in the earnest hope and confidence that, if I have formed an erroneous one, it will be corrected by the wisdom of this House. Sir, I admit I have been unwilling to rise, because it does unfortunately so happen, that in those very matters on which the House has the greatest right to expect information from professional men, their interference is too often an embarrassment to the House, instead of an assistance, owing to the conflicting opinions which are elicited from them. I must say that I have been astonished at some of the opinions which my Honourable and Learned Friend has just expressed; and I could hardly have persuaded myself of the fact, if I had not known my Honourable and Learned Friend to be a lawyer, and one of great eminence in his profession. In offering my sentiments to the consideration of this House, I must beg, first, to observe, that you are in a situation in which you are compelled to act. I use the word in the largest sense; because, in forbearing to act, you will produce consequences as distinctly as you would by any affirmative act. I have to congratulate the House (feeling, as I do, to the full, the extreme difficulties by which we are surrounded) that the House has no fault to lay to its own charge. The House has not voluntarily embarked in this question. It has been forced upon the House; and to shrink from it would be to abandon our trust in the highest degree. This is not a case in which the House comes forward to claim an exemption or privilege for an individual Member. True, it is called by the name of "privilege;" but, in fact, as the judges truly said, it is not so much a case of privilege, as it is a question of the power of the House of Commons, and not of the privileges of its individual Members. Between power and privilege there is this distinction: — privilege, though given in order that the House might be the better able to discharge its duty to the community, necessarily operates to the benefit of individual Members; but power is for the public benefit alone; and the power that comes in question here, is the power of the people of England, exercised by their representatives, in carrying on the great affairs of the country. What are the duties that belong to them? The country appoints them to inquire into the execu-

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tion of every department of the state, to ascertain abuses, to apply remedies, and to legislate as the wants and necessities of the state may require. What, then, does their power enable them to do? That is the question on which we are now engaged. We are not contending, now, for anything by which we, ourselves, can gain. Abuses might be concealed, delinquents escape, and the public suffer, by the House not possessing this power; but the Members could in no way be benefited by it. What would be the situation of the House, if, instead of claiming the right of publication, as incident and necessary to the discharge of its duty, it were to adopt a different course? What would be the condition of the country if this House determined not to publish?

Sir, we have petitions presented to this House complaining of abuses. We have petitions pointing out great occasions for the amendment of the law, or, perhaps, complaining of official misconduct. Suppose the House to inquire, and the public to demand the results of such inquiry; the answer must be, "The House dare not tell you." A public functionary might be charged with malversation in his office, or possibly a judge with misconduct in the discharge of his duty; but the public must be kept in ignorance, or information must be rendered to them anonymously of the facts ascertained and reported against him. The observation equally applies to a Minister, whom it is the peculiar duty of the House to watch and control. Look at the abuses which the House has exposed, and the alterations they have made in the law. You abolished the slave trade; you corrected the errors and inconveniences which had arisen in the course of time in corporations; you altered the poor laws. I need not detain the House by further enumeration; but how are you to satisfy the country respecting the necessity and efficiency of your legislation? How are you endeavouring to do so? or how can you do so, but by the publication of your Reports? Do you want to know what will be the situation of this House, if the lawyers of Westminster Hall are to prescribe the limits of your power? Then read the judgment in the case of Stockdale *v.* Hansard. No public exposure of the grounds of your proceedings would be permitted.

Sir, it seems to me, that we have arrived at a new era, by this decision of the Court of Queen's Bench. I have heard with regret, Members of this House do themselves injustice. They say they are the judges of their own privileges, and allow that the constitution of Parliament is distinct from the common law; but Members, even of the first intelligence, seem to disclaim the competency of judging, and to attach undue consideration to the merely legal bearings of this question. There may be technical considerations mixed up with it, on which the information of practical lawyers is necessary; but the main question depends, not on technical rules, nor on the confined views which belong to practical lawyers; — but, on broad and constitutional grounds. What powers are necessary for the discharge of the functions of the House of Commons? — and by what tribunal are they to be determined? I say that these are questions not to be decided by mere lawyers, but by men conversant with the constitution of the country. Moreover, Sir, I should be glad to know whether the state of the legal business of this country permits time and opportunity to the judges of the land to enter into practical constitutional questions affecting the privileges of this House? and if they are to decide upon what reports are and what are not to be published, when and where they are to condescend to acquire the necessary information to enable them to judge of such subjects? Is it reasonable, when the House has bestowed time and labour in making inquiries and giving subjects full discussion, that their judgment of what the public necessities require to be communicated to the country, should be set aside by the judges sitting in Westminster Hall? It is plain that the business of the country could not be carried on under such circumstances. A Right Honourable and Learned Friend who spoke early in the debate, has called the attention of the House to the circumstances under which this inquiry has arisen. I venture to think — I do so with real respect — but I cannot control my understanding, when I am satisfied after deliberate consideration of this subject — I believe, that there is no pretence to call the Report which has been brought in question a libel, when published by any one, still less after being published by order of this House. I know that Captain Baylis was held guilty of no offence in the publication of a letter relative to the abuses in Greenwich Hospital; for it was held to be a privileged communication. By the theory of the constitution, the Commons of England are all in this House. Even Chief Justice Holt, the enemy of privilege, said, —

Truly, you cannot build a room large enough to hold the Commons of England, yet the whole

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people of England are virtually in the House by their representatives.

When commissioners are appointed, by Act of Parliament, to inquire into the prisons of Great Britain, for the express purpose of legislation, I ask, are the people of England not generally interested in those inquiries? Shall it be said that a trial in a court of justice, where A. and B. are concerned, may be published; but that when Parliament directs an inquiry into the general management of prisons, by an almost judicial officer, and publishes the results, — the contents of these Reports may be deemed a libel? Shall it be said that the Commons of England, upon subjects of universal interest, may not communicate with each other, — while every tradesman may write letters, filled with libels from beginning to end, no matter into whose hands they may pass, if the extent of such libels be not mischievous and wanton, and beyond what the occasion may happen to require? Who is to decide for us what shall and what shall not be published, when we have the charge of the interests of the public? The judges? No. Their duties are much more limited. They are not to inquire what the law ought to be, or to ascertain its defects with a view to amendment, but to administer the law as it is; and they have deserted their functions, and usurped the authority of this House. Upon a subject of universal interest, which engaged the most careful attention of Parliament, commissioners were appointed to inquire, and to lay the results of their examination before the House. For what purpose? That they might be kept a profound secret? And this was done under the authority of an Act of Parliament. What then are the legal means — what is the machinery by which Parliament is to place before the public the information they deem necessary? By the Reports placed upon its tables, which the Court of Queen's Bench has decided you have no right to publish. Now, in this case, an intelligent commissioner was appointed to inquire into the state of a gaol. What did he discover in it? That in some ward or part of the prison, there were confined together a man of the worst possible description, a lad of seventeen years of age, and another who was only imprisoned for fourteen days, and whose offence, therefore, must have been trifling. In that room there was a book calculated to make the imprudent guilty, and him who was guilty, tenfold worse. Thus it was, that the commissioners found a prison converted from a place which ought to have been one for punishment—for true punishment and subsequent amendment — into a place in which those passions were inflamed, which had already proved too strong; and the mischief was increased even on the spot where it might be supposed that it would be permanently diminished. In that place there were four books, — I have procured a copy of one of them, — I cannot venture to produce it in this House; but it will be found in the library. And I now beg to refer the House to the letter of Dr. Bailey respecting that book, as that gentleman was asked to allow it to be dedicated to him. Dr. Bailey was told that it was a book of science, and, under that impression, he gave his consent. At the time when the work was published, it was without the worst plates; but when the third edition was brought out, all the objectionable parts appeared, and Dr. Bailey wrote that letter respecting it, expressing his strong feeling of indignation, and stating that about six years before Dr. Robertson had written a work, and, previous to its publication, had requested permission to dedicate it to him (Dr. Bailey). That he had consented to such request on condition that it should be published with the omission of certain passages. That a few days previous to the date of this letter, a friend of his had shown him a third edition of the work, in which there were many passages of the worst nature. That he could not express what he thought when he saw the obscenity of the work. Remembered that he had been requested to allow it to be dedicated to him. That, in his opinion, it was a work in gross violation of every principle of decency and decorum. For fear that the indecency of this book should not be disclosed soon enough, a new edition was published, with Dr. Bailey's letter added; and to that edition were also affixed certain plates, — which are up-stairs, — which, I venture to say, the most profligate had never seen surpassed, and than which no mind, however depraved, could imagine anything more gross. Such, Sir, was the book which was described to the jury as a scientific work, and for which they were to give 100*l.* damages.

The commissioners made a Report. What was to be done? Were they to keep this a secret? The libel, as it was called, was published. It was handed to the corporation of London, as they were in some degree affected by the statement. The corporation of London made a Report, contradicting some parts of the Report. No doubt the corporation believed fully the truth of that which they were induced to represent to the Govern-

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ment. Then it was the duty of the House to refer the statement of the corporation to the commissioner, in order that he might have the opportunity of giving an explanation. Thus it was that the First Report was made the subject of the first action, as the Second Report was made the subject of the second action. And yet Lord Denman asked what this had to do with the regulation of prisons? It might, indeed, rather be asked, what it had not to do with it? Was it not a part of the regulation of prisons well deserving of their attention? In what could the public feel more deeply interested than that a lad, who had fallen into temptation and crime, should not, by his confinement in one of their prisons, be rendered one of the worst of criminals? Was it not a part of the prison discipline, which they ought to know of, how individuals passed their term in gaol? — how the gaolers performed their duties? What belonged more to the discipline of a prison, than the amusements or the occupations of its inmates? But, first, Lord Denman said this did not relate to prison discipline; and, secondly, he said, even if it did, why give Mr. Stockdale's name? Now I, on the contrary, will ask what would be the value of the Report — what credit would be given to it, if the case were that of an anonymous person? Again, I ask, what justice would it be to a man to allow a report against his character to be circulated amongst 658 persons, — thus to give it every publicity, — and yet not to put it forth in such a manner as to give to the man no opportunity of meeting directly the criminality with which he was charged? I would beg to say, that much which has been said, and much which we have heard upon the subject, has been founded in error.

It has been said, may the House of Commons libel whom they please? What motive has the House of Commons to libel an individual? — what motive, I say, has this House to publish its Reports at all? Nothing but the public good. But, then, it has been said, in a case of libel, a man should not be left without a remedy. Now, from the little experience I have had in this House, I have no hesitation in saying, that if matters were published by us which should reflect upon the interests of any individual; I believe that if it were found that his interests had been undeservedly affected by them, if the individual so affected were to petition the House, praying for a committee, he would and must obtain practical justice from your hands. Supposing that an individual had, from information wrongfully given; or — supposing him wilfully to have — misled the House — why, could not the House commit him for doing so? This House will allow no witness, with impunity, to tell a falsehood to them, whether the person be on his oath or not. They will not permit an individual to libel, intentionally, another. But, supposing that the House of Commons had, for some public purpose, authorised a certain publication, and that, through its means, a party had suffered loss; — then, in that case, I am sure that the House would not refuse remuneration. I do not believe that a party injured by them would be left by you unredressed. I believe that it would be found that more strict justice would be done by this House than would be rendered, in such a case, by any court of law. I deny that the jurisdiction of this House is incompatible with justice; I believe that it would be more perfect and less encumbered with technicalities than the judgment of any court of law. Now, with respect to the question immediately before the House. An action having been brought against Mr. Hansard, he defended himself; the House took no part in it. What, then, was the first matter that occurred? In this case, the jury found that the publication was obscene, as it had been represented. Lord Denman summed up to jury in that case; he, too, declared that the book was obscene, as it had been represented. In that case, when an appeal was made upon the merits of the publication and of its publisher, a special jury of the county of Middlesex declared that the man who published such a work was entitled to nothing. And yet we are, here, charged with doing injustice, for having taken measures to prevent a man pocketing 100*l.*, — because we said — that which a jury afterwards declared — that he had published an obscene book. But this was a case which might have been decided upon its merits; and yet Lord Denman thought it to be his duty, in connection with it, to make a strong declaration with respect to the privileges of this House.

And now, Sir, with respect to Lord Denman, I will say that I do most firmly believe, if there be a man who is above courting popularity, or whose feelings could be uninfluenced by any improper or undue desire for it, Lord Denman is that man. I believe that Lord Denman is not insensible to public favour; but to be acceptable and grateful to his high mind, it must follow the honourable and faithful discharge of his public duty. Of his Lordship's honour and purity of mo-

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tive I am certain. Most Honourable Members are aware of his Lordship's eloquence, — he is a man of strong and energetic mind, and he therefore expresses himself in strong terms. He spoke, for instance, of this House publishing libels. You have the declaration of the Noble Lord; but who are to be the judges of the fact? Is this House to have no authority in the publication of any matters whatever, which you may deem of importance for public purposes? What are you to do? Lord Denman's station and influence, — his acknowledged weight and experience in the administration of the law, — all lay claim to the highest attention; and you cannot pass by the first court of justice promulgating the opinion, that you publish matters without any just right or pretence. The Noble Lord necessarily called the attention of Parliament to the state of the law, and the committee which was appointed directed their attention to this case. The Honourable Member for Oxford says that the House has been misled by two Learned Members. Sir, I cannot doubt but that I am one of those who were thus alluded to; but who the other may be, I cannot imagine. For myself, I can say that this I did do, — I laboriously collected together all that I thought the committee ought to know; and I received the greatest possible assistance from the enlightened intelligence of many Honourable Members on both sides, and particularly from the Right Honourable Baronet opposite, and the Right Honourable the Member for Montgomeryshire, who is never absent upon any one occasion in which the maintenance of the privileges of this House, for the benefit of the public, is concerned. That which I collected I presented to the committee, and I certainly held out no inducement to them to come to particular resolutions. If the documents which I collected had not appeared to me to prove that the House possessed the privilege, which I am now convinced it has, I should most willingly have stated that to be the result of my labours.

This matter was well and closely sifted by the Right Honourable Baronet, by Sir William Follett, by Sir Frederick Pollock, and by the Attorney General; and I never submitted anything to the committee until it had first been considered out of the committee by those Learned Gentlemen. Sir W. Follett offered no suggestion from which I disagreed; and, so far was I from instructing others, that whatever I did was read over in my chambers by the Honourable and Learned Gentlemen who met me there. So far, then, was the committee from being misled by two Honourable Members, that no member of the committee could have been misled; and I must say that there was no diligence which was in my power to bestow upon the case, that I did not patiently and sedulously give to it. The Right Honourable Baronet softened many paragraphs in the Report, and added to it that most important paragraph, soliciting the House to pay great attention to, and bestow all caution in, the publication of their Reports. That Report was presented to the House; and I maintain that it will be found to be sustained by legal authority, even to its least point. I never stated anything in these resolutions for which there is not distinct authority to be found in almost every sentence. I feel most confident that, if the House were to go through them line by line, they would be found to be supported by the law and the constitution to the fullest extent. The Court of Queen's Bench has pronounced in favour of that which is the basis of parliamentary privilege, almost in the terms of that Report, — namely, that this House possesses privileges necessary to enforce the functions requisite for the discharge of its duties. And I would ask, what Honourable Member, having regard to the interests of the public, would contend for less than that? The Court of Queen's Bench proves that these privileges are possessed by the House, and that, when necessary, they can be lawfully exercised by the House. But to whom, and before whom, are you to establish that necessity? The whole question turns upon that point. The Court of Queen's Bench admits that you have the privileges. You must have them, when you have great public duties to discharge; but then it is idle to tell you that you have those privileges, when, at the same time, you have a judge to ask you, when the case for exercising them arises, "Where is the necessity?" Is it by you, or by others, the point is to be discussed as to the necessity for exercising your privileges? If you are to be told that you are all at liberty to do as you please, and to act without restraint, — if you can satisfy somebody else that there is a necessity for unlimited freedom, — that makes the thing at once a burlesque. It is admitted that the House has the power, if there be a necessity for its exercise; but, then, if the House is not to judge of that necessity, of how little use would the privilege be! The House and the judges agree on the one point; but the difference between the judges and the House arises as to who is to determine upon the point of necessity. Are you to have that point determined

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here, or by others who do not belong to the House? This House, when a Report was made to them, came to certain resolutions. Now, I must say, in connection with this matter, that I wish well to the present Government, although I am perfectly unconnected with it; and, feeling favourably towards it, I must remark that I do believe that the Government will suffer more—and I cannot help saying, not without some justice — from its abandonment, in this respect, of the highest public duty with which it is charged, than from anything else. I will not suffer myself to believe that Honourable Gentlemen opposite have acted, in this matter, with party intentions; but most certainly their proceedings have a strong party tendency, inasmuch as they have the effect of bringing down upon the Government a strong condemnation, and their arguments have been addressed to show that, in the hands of the present Administration, even the privileges of the House of Commons have deteriorated. The Government induced the House of Commons to adopt certain resolutions, pledging them to pursue a certain line of conduct; and then, having done this, they have held the Parliament up to contempt by declaring that its resolutions were not proper to be acted upon. Whatever might be the propriety of those resolutions, the Government now find themselves taunted with the charge that they dare not act upon them. An Honourable Friend (Mr. Wakley) near me observed, that, if the sheriff should be committed by us, he supposes his coroner will follow next.

[Laughter.]

For my own part, I would never pass a resolution by way of threat; I would rather, in the terms of my resolution, fall short of what I intended. But when I had once resolved, I would execute. I ask, Sir, is it fitting or decorous that this House should stand before the public eye in the position of interfering with the administration of justice? What reliance can you expect will be placed upon any resolution you may now pass? Sir, I do hope this question will be considered and decided with the utmost calmness and deliberation; for if there be any assembly which ought not to be swayed by passion, or influenced by the least feeling of displeasure, — if there be an assembly whose power and authority should be enforced without acrimony and resentment, — Parliament is that assembly. But, having deliberately resolved, let the House fearlessly discharge its duty. The public mind has been much abused upon this subject; but, then, how are you to expect to have the public with you, when it is understood that you have abandoned your own resolutions? You say, that this privilege is necessary to the performance of your duty; you place your character before the world on the truth of that declaration; you are called upon to act, and you flinch; you dare not follow up your own resolution.

Sir, I agree in every word that has been said with respect to public opinion constituting the power and the strength of this House. But public opinion is often, for a short time, mistaken. Those who honestly discharge their duty must be prepared to stand, for a given period, the brunt of popular opinion. But allow me to say that it is this House which has misled public opinion. If you had performed that which I — and I say it with all humility and respect — thought was your duty, — if you had shown confidence in your own resolution, — if you had not exhibited a wavering mind to the public, — if you had not so conducted yourselves as to induce the belief that you were afraid of your own act, and had fallen into vacillation and uncertainty, — I firmly believe that the public mind would have been in your favour. I do think, if any other Parliament had acted with a timidity like that displayed on the present occasion by this House,—and I say it with all due respect, — that the privileges of Parliament would have been destroyed. The Right Honourable Baronet has read a part of his own speech, in which he recommended the proper course to be adopted; and here I may take the opportunity of observing that there is a report of what I said, on that occasion, in the same *Mirror of Parliament*, which, however, imputes to me expressions that I never used, and language which I utterly disclaim. What I did say, I believe, was, that I could not entirely concur with my Honourable and Learned Friend the Attorney General. I think I said that my impression, with respect to the proposed course, was different from that of my Honourable and Learned Friend. It is the tendency of all tribunals to extend their jurisdiction; and there are no tribunals which have extended their jurisdiction so much as the courts of justice. The courts of justice have, in fact, repealed the Acts of Parliament. The courts of law in Westminster have extended their jurisdiction; and, now, here is something to show that they desire to be compared with the House of Commons — the paramount power. The question, then, is this; — is the House of Commons or are the

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courts at Westminster to be the paramount power of the state?

Sir, what is the foundation of the prosperity of this country, and of the authority of Parliament? It is the high character which this House maintains: it is, that it is looked up to as the first tribunal in the state, superintending, correcting, and restraining all others. This it is that gives the House authority—that makes it a terror, not only to the law, but to all public officers;—and it is of this, that an attempt is now made to deprive it. I say that without this power you never can fill your situation as you have hitherto done, or be so useful and beneficial to the country. The question, therefore, is, whether it is true that Parliament has always been thought a paramount power of the state, and competent to form its own judgment with respect to the extent of its privileges? Is this proposition admitted, or is it not? In consequence of the House having passed the previous resolution, the Attorney General stood in a peculiar situation. I, on that occasion, expressed what I felt, and ventured to advise the House to proceed either by commitment, or to require the Speaker to write to the judges on the subject. The latter I knew to be an irregular course; and I was aware that the judges were not bound to take notice of such a communication; but I thought it likely to lead to less evils than some others, to which I shall presently advert. Nevertheless, though I differ from my Honourable and Learned Friend as to the step which was subsequently taken, and recommended a different course, still I cannot say that my Honourable and Learned Friend did wrong, as Attorney General. My Honourable and Learned Friend had precedents before him, and had a straightforward legal course to pursue. Under these circumstances, the language I have just heard from the other side of the House has greatly astonished me. Does not my Honourable and Learned Friend opposite (Mr. Pemberton) know—nay, he must know—that no other course could be taken to stop the action than that which was adopted? The Honourable and Learned Gentleman says that the defendant invited the plaintiff into Westminster Hall. There is scarcely a word or sentence in the Honourable and Learned Gentleman's argument which will not, when exposed, be found destitute of sound argument. Mr. Hansard, forsooth, sent a card of invitation to the plaintiff to meet him in Westminster Hall! Why, Mr. Hansard was dragged there as defendant, against his will. Does the Honourable and Learned Gentleman mean, by "invitation," that Mr. Hansard did more than was necessary to answer the call made upon him by the process of the court? If the Honourable and Learned Gentleman do not mean that, what does he intend to imply by the word "invitation?" The defendant, at every step of the proceeding, protested against the jurisdiction of the court; and yet it is said that the very stones of Westminster Hall will cry out, unless Mr. Hansard, after keeping Stockdale at arm's length throughout the proceedings, now pays the damages which the jury have awarded without further dispute. The House was aware of the intention to plead; they heard it repeated over and over again, that the action could not be stopped except by the plea; and how can it now be said that the plea in this case was an invitation to the plaintiff? If it was an invitation at all, it was an invitation to be off.

[Cries of "Hear, hear!" and laughter.]

The course taken by my Honourable and Learned Friend the Attorney General was a strictly legal course; there is not the slightest pretence for saying that he conceded one jot; and I was so astonished to hear what was said in the committee on this subject, that I thought it right to move an amendment, declaring that the steps which had been taken by the Attorney General had no tendency to restrict the privileges of the House. It will be recollected that Lord Chief Justice Pemberton and Mr. Justice Jones defended their conduct in the case of Jay *v.* Topham, one of the sergeants-at-arms, because there was no plea similar to that which has been given in this case of Stockdale *v.* Hansard. Lord Chief Justice Pemberton, when brought to the bar of the House of Commons, distinctly affirmed that an order of the House was pleadable in bar to any action for an arrest under it; and also that this House was a superior court of a higher nature than the King's Bench, and of greater authority, and that the King's Bench had nothing to do to inspect the actions of this House; and disclaimed the court having questioned the legality of the order or the power, but only whether the party had properly pursued the order. Sir T. Jones said,—

If the defendant had produced a copy of the Journal, that would have been sufficient; no judge would have been so silly, or imprudent, at least, to have said that had not been a good and sufficient authority.

After reading these observations, can any man say that the defendant, pleading

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in her that the action complained of was done under legal authority, did anything which amounted to a concession of the jurisdiction of the court? As I before said, I expressed, at the time, my strong disapprobation of the course pursued by the House, and I suggested another, — not strictly legal, but which was not illegal, — for the purpose of avoiding greater evils. Therefore, so far as my authority was concerned, the Government knew what was the probable consequence of the step they determined on. It is now said, that the question has been argued in a court of law; that the House has taken the chance of the judgment of the court being in its favour; and that, finding the judgment adverse, they complain, and seek to resist. But what party can be before a tribunal, and not look for judgment in his favour? What pretence is there for saying that, in this, the House is acting like a dishonest gamester, who, having played for and lost a stake, refuses to pay it? What colour is there for saying, when the House has resisted to the utmost, that, having used legal means without success, they now refuse to submit? And yet this is what the stones of Westminster Hall are to cry out about! I only regret that more opportunity has not been afforded to the Right Honourable Baronet opposite to consider this part of the question, for I am certain that the Right Honourable Baronet's intelligent mind would soon have been disabused of the grossest fallacy which has ever fallen under my notice. There has not been, from the beginning to the end, the slightest departure from hostility to the jurisdiction of the court. No concession of any sort or kind has been made; and the House is now in as good a situation to resist, by any means in its power, as if it had let judgment go by default. Undoubtedly there were reasons in favour of the course pursued by the Attorney General; but these were not such as would have induced my Honourable and Learned Friend to adopt it, supposing he had taken the same view of the matter as I did. It is true, as my Honourable and Learned Friend has said, that if the court had given judgment in its favour, no one would have disapproved of the step he took. My Honourable and Learned Friend opposite (Mr. Pemberton), at one time, thought that no privilege of the House was good which had not existed from the time of Richard I., and I do not know whether the opinion of Lord Ellenborough and of Mr. Justice Patteson has yet satisfied him of the contrary. I beg, in order to fortify the statements I have made, to be allowed to read the opinions of Mr. Perceval, Chancellor of the Exchequer, Sir V. Gibbs, Attorney General, and Mr. Ponsonby, as to the effect of appearing and pleading in the case of Burdett *v.* Abbott. The Attorney General said, —

> The House was the sole and ultimate judge of its own privileges, and of their extent. They were to be judged by this House alone. No other body had the power to decide. Not but that their privileges might be incidentally brought before another court, — which court, however, could not look to their privileges, but to their decisions upon them. It was by these that the court would be bound to decide. He felt not a doubt but that the judge, on reading the Speaker's plea, would refuse to listen to the action; but he could not feel the same assurance as to the plea of the sergeant, because there might be a doubt whether he had or had not overstepped his lawful authority in the manner of executing the warrant.

Now, I would ask the House to forget, for a moment, that those opinions were delivered by Sir V. Gibbs, and suppose that they were delivered by the present Attorney General. This shows the necessity of the plea; it shows that an act, which might be done with the authority of the House, might be improperly done by the party authorised by the House to perform it. Mr. Ponsonby said, —

> Yet, monstrous as it appeared to some, and novel as it must seem to all, it was his firm persuasion that the Speaker ought to appear, and put in his plea to the action. Such course was open to him without the slightest apprehension of his surrendering in the remotest degree the privileges of that House; and such course the House could adopt, although it had determined to commit the solicitor . . . . for, unless such a course was adopted, how was it possible for the courts below to be apprised of the nature of the case? How was it possible for them to inform themselves of those facts, without the knowledge of which they could not know whether the injury complained of was committed in a private or public capacity?

Mr. Perceval said, —

> He was confident that no authority, no judge in the land, when he learned that it was a question in which the privileges of the House of Commons were implicated, would determine upon it. He entertained no apprehension that either the dignity or privilege of the House of Commons was endangered.

Such were the opinions of different politicians and lawyers of great eminence, following up the opinions of Lord Chief Justice Pemberton and Mr. Justice Jones. I recommended that the Attorney General should not resist the case in a court of law at all: but as I did not succeed in preventing my Honourable and Learned Friend from pleading, I was anxious to give to the proceeding as little of a marked character as possible; and I therefore advised my Honourable and Learned Friend not to argue, but merely to inform the

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court of the privilege of the House, and there leave the matter. My Honourable and Learned Friend opposite says that the House appeared and prayed for judgment. The House must see what injustice is done the Attorney General by such a statement. When he was dragged to the trial of the case, what else could he do but pray for judgment? Let the House read the opinion of Lord Denman, with respect to the line of argument pursued by the Attorney General, and they will see that the Honourable and Learned Gentleman was not at all indistinct in his protests against the jurisdiction of the court. Several times in the course of his judgment, Lord Denman observed, "that the Attorney General argued that the defendant had acted by order of the House of Commons, and that, therefore, the court had nothing to do but to give judgment for the defendant;" and this the Learned Lord repeated five or six times, distinctly recognising the protest of the Attorney General. Consequently, the Attorney General's appearance in support of the plea is not to be taken as an admission — which, in truth, it was not — of the jurisdiction of the court, because he appeared precisely to protest against it. What was the defence? A person, appointed by the House, had performed a certain act, for which he was proceeded against; and his defence was, that he had acted under authority superior to that before which he was cited. And if the court, in spite of that defence, decided against him, does that prove an admission of the jurisdiction of that court over the authority by virtue of which the act was performed? Does that preclude his applying for any collateral remedy? The man did not voluntarily place himself in the situation of a defendant in the Court of Queen's Bench. Then what I disapprove of is, that the Noble Lord should urge the special circumstances as the ground for taking the course proposed. I, and my Honourable and Learned Friends who take the same view of the case as I do, can see no special circumstances which can justify the adoption of the course proposed in the Noble Lord's resolution, — that is, without stultifying its former decision. I admit that an observation has been made, which is entitled to the greatest respect. It has been said that public opinion may be against the House. What then? Are you prepared to surrender the privileges of the House? Now, mark what you have done. You passed resolutions before the action; you passed resolutions after the action. Still the plaintiff goes on, in spite of your resolutions, and in contempt of your authority. You resist by all legal means, not allowing a word to drop admitting the jurisdiction of the court in which the action was brought. However, the court decide against you, and the plaintiff persists in seeking damages. Now, what special circumstances, what changes, have since occurred to induce you to swerve from the course you originally pointed out? I know of none. The only special circumstance I am aware of is this, — that Mr. Stockdale has proved himself most specially contumacious. Has Stockdale ever been led to believe, as the Right Honourable and Learned Member for Ripon has said, that this House was inviting him on? By what means did the House lead him on? By telling him that the Court of Queen's Bench had no jurisdiction, and that this House itself was sole and supreme judge of its own privileges. And yet we are now assured there are special circumstances. I say there are none, except special contumacy on the one part, and special timidity on the other.

[Cries of "Hear, hear!"]

Why do you hesitate? You will never have a case in which a man can act so contumaciously as this man has done. Nor can you have a case in which you can avoid pleading, if you allow yourselves to be driven to it. Suppose commitment were advised, — who is the party? Why, a man whom it were much below the dignity of Parliament to commit, unless for the mere purpose of vindicating its privileges. In this case, the best thing that could happen to Stockdale, would be for you to commit him. You would create sympathy for him in the public mind; he would be held as a martyr, and it would be as good as half a fortune to him. I, then, would not advise the House to adopt that course. I say, do not take any step that is not required by the absolute, unavoidable necessity of the case. If the course I have recommended, therefore, do not appear clearly and indispensably necessary, I trust you will not follow it. It is with these views that I moved the amendment which appears in the record of the proceedings of the committee, — believing that I should have the support of the Noble Lord below me and the Right Honourable Baronet opposite. But when I found myself disappointed in that expectation, I at once gave up the point. If the House is to resist, let it do so with dignity and with effect. Let the House, if it so decide, act with firmness and consistency; but do not let us go into a contest to ex-

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pose ourselves to defeat and contempt. I say, then, resist, — that is, if the great majority of the House go with me in my opinion, — resist to the uttermost; — calmly, but firmly, adopt that course, and follow it out with becoming dignity; but do not attempt it, — abandon it without hesitation, if to do so be to produce a division in the House, and thus, by adopting it by less than an overwhelming majority, you are to appear in a weakened and less powerful position. The course which you ought to pursue must depend chiefly upon the state of opinion in the House. I think, however, that it would not be found that this poor and much commiserated sheriff would endure such very great sufferings as have been depicted. And this much I must say, — that if you are prepared, on all occasions, to give way to such considerations, and to allow yourselves to be influenced by motives of pity for subordinate officers, and to give up to the judges at once, you will speedily deprive yourselves of the means necessary to vindicate the privileges of Parliament. Supposing the House were to adopt the amendment; the sheriff would be served with a copy of the resolution, — and if he acted prudently, he would come to the House and state that he had received the resolution. The House would tell him not to execute the writ of the court, and would, at the same time, tell the sergeant-at-arms that if the sheriff called on him for protection, he should claim the aid of all such civil power as might be necessary. I presume that the Home Secretary would then receive instructions from the House to give his assistance to this effect.

[Cries of "Hear!" and laughter.]

Honourable Members laugh; but do they not recollect that the soldiers were called out when Sir F. Burdett was arrested? How do those who laugh intend to support the authority of the House, when those storms, which are now foreseen at a distance, burst over our heads? When such orders as I have alluded to are once given, the courts of Westminster will be powerless as against the House of Commons. I say now, that if this advice should be adopted, I will stand responsible for the result. What power would the Court of Queen's Bench have? The judges might grant an attachment against the sheriff; but when their officer came to execute their writ, he would find it was like taking the bear, — the bear would take him. What, under these circumstances, must be done? In the present state of the country, it is impossible that the high authorities of the state could engage in a conflict of force; and the Court of Queen's Bench would probably take one of two courses. They would either apply to the House of Lords, or address the Crown through the medium of the Home Secretary. If the latter, then the Crown, seeing that a case of privilege was staying the ordinary process of law, would desire the wisdom of both Houses to take the matter into consideration. This would lead to a conference of the two Houses. Should the sheriff dare to execute the writ, the same consequences would follow. If the House of Lords should refuse to come to some adjustment on the question, the House of Commons would have but one step to take, — and it would not be a step of violence; this would be, to resolve that such and such a privilege was necessary to the due execution of their functions, and that they were determined, until the affair should be settled, not to go on with public business. If I were asked what would happen if the two Houses should continue to disagree? my reply is, that that is a consequence which might meet us at every turn of our parliamentary duties. The Houses have already been divided in opinion more than once; I hope they never will be so again; but, at the same time, the only constitutional mode of discussing disputed questions of privilege is by conference between the two Houses. Neither House questions the privileges of the other; but both this House and the Lords would feel that the public interest was at stake, and that such a matter should not remain without adjustment; and that all opportunity of conflict between the Parliament and the regular legal tribunals of the country should be, as far as possible, removed. Now, if Honourable Members are not content to pursue this course, how do they propose to vindicate the privileges of the House? Let any man suggest a course less likely to produce public mischief, or more calculated to establish and preserve peace and good understanding, and it shall have my most attentive consideration. First of all, I set out with this proposition, — that the House of Commons, as an essential part of the constitution, must possess the power necessary to enable it to discharge its functions. Then, much has been said about writs of error lying to the House of Lords. Now, I maintain that there is no such thing. It is an entire mistake; there is a writ of error to Parliament, but not to the House of Lords. Originally the

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court of Parliament consisted of one House; and when the Lords and the Commons met together, they must have been possessed of powers necessary to enable them to discharge their functions. The two Houses afterwards separated, and it is not very certain for what cause. It is supposed by some, that the Lords revealed what the conduct of the Commons had been on the subject of subsidies, and so exposed them to the anger of the King, and that therefore the Commons refused to sit with the Lords any longer. Lord Ellenborough, however, has laid it down, that when the two Houses separated, each House took with it all the powers necessary to enable it to discharge its functions. He says,—

> The privileges which have been since the separation in 49 Henry III. enjoyed, and the functions which have been since uniformly exercised by each branch of the Legislature, with the knowledge and acquiescence of the other House and of the King, must be presumed to be the privileges and functions which then—that is, at the very period of their original separation—were statutably assigned to each. The privileges which belong to them seem at all times to have been, and necessarily must be, inherent in them, independent of any precedent.

With respect to the power of the courts of justice to control Parliament, their hands are purer now, but they are not stronger, than they were before. If the courts of law have, now, the power to control the privileges of Parliament, they had it in the worst of times. Each House, then, being part of the High Court of Parliament, every writ of error that pronounces judgment upon the House of Commons the House of Lords is a party to, because this House is part of the Parliament. Lord Holt himself, in the case of "Ashby *v.* White," makes use of this fact, not very fairly, against the Commons,—asking how the Commons could object to a writ of error, when they were parties to the judgment which must be given upon the writ of error? Several cases will be found on the Rolls of Parliament in which the Commons are described as parties; and there are, also, several cases in which the Commons have complained that they were omitted; and as to those cases, it has been said that it is impossible to ascertain, with any certainty, whether the Commons were parties to the record or not,—the clerk of the House of Lords having omitted their names, sometimes by mistake, and sometimes by design, in order to give the greater semblance of authority to the House to which he belonged. The House of Commons, then, is co-ordinate in point of privileges with the House of Lords; and are we, by a side wind, to make the House of Lords paramount? Is the House of Commons to become subservient to the House of Lords,—subservient, I mean, by being subject to their jurisdiction? The country made a great struggle to carry the Reform Bill;—one object, if not the main purpose, of which was, to put the House in its proper position, as representing the people, and to free it from the influence of the Lords. But I do not hesitate to say that the extraordinary exertions which were made in carrying that measure would be entirely lost, and that the Reform Bill would be nothing better than a piece of waste paper, if it were allowed to the House of Lords to exercise a control over our privileges; if this were so, the Lords would have acquired, by the Reform Bill, a greater power over you than they ever before possessed. The effect, then, of allowing your privileges to be revised by writ of error from the Queen's Bench to the House of Lords would be, to submit the decision of those privileges to one branch of the Legislature, which is only co-equal and co-ordinate with you, in point of authority, in respect of privilege. And what is the constitutional ground for this? The danger of abuse. It is said that, if you have the power to decide upon your own privileges, you may declare anything to be privilege; on the other hand, I say that the Court of Queen's Bench might declare anything not to be privilege. The Queen's Bench has grasped at every inch of jurisdiction in former years. The history of the country shows each tribunal constantly contending for the possession of unallowed and extended jurisdiction; and Chief Justice Pemberton told Lord North, that he had made more law—in his day—than King, Lords, and Commons all put together. It is well known to those who are in the habit of reasoning on jurisprudence, that there must be, somewhere in the state, a paramount power; and that that paramount power, wherever it may be placed, may be abused. Abuse is incident to all human institutions; but it is said the abuse of power is checked by public opinion. Then, Sir, I should be glad to know what jurisdiction is more amenable to public opinion than this House? It may be said that this House, by possessing this power uncontrolled, is, so far as its privileges are concerned, a Parliament in itself; and that it assumes a power beyond that of any other estate of the realm. I contend, however, that there is not one single privi-

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lege claimed by this House, which has not its corresponding privilege in the House of Lords. It is said that the House has already been guilty of abuse of power. I admit such to be the fact. The House has, no doubt, on certain occasions, been guilty of abuse of power. And what tribunal, I again ask, can be named, which has not, on some occasions, committed an abuse of power? But, at the same time, it is my duty to mention, — to bring under the notice of the House, — the fact, that many of these acts, now viewed as abuses, were, at the time when they took place, clear and undeniable privileges of Parliament.

Mr. WYNN. — Hear, hear!

Mr. SERJEANT WILDE. — In the early days of Parliament, it must be remembered, that society was in a very different state from what it has obtained at the present day, and it was necessary to assert a very different kind of privileges. Some of these privileges were preserved, no doubt, long after the change in civilisation had rendered their preservation useless and improper. They were maintained, in short, after the necessity for their existence no longer remained. I would not keep up a single privilege that was not requisite for the preservation of the dignity and legislative power of the House; for I hold it to be a principle of law, that if the necessity for any particular privilege were to cease to-morrow, as a public benefit, the privilege itself would no longer exist. I believe that, by departing from that principle, abuses may have been committed. But, with respect to the power of this House, we all know that some of the most eminent persons, whose names are on record, — eminent counsel and learned judges, — have been committed for breach of privilege: let me ask how it was that no one of those persons, who could not, however, have been ignorant of the law, ever applied — (but that, in all cases, they yielded obedience to the House) — for a *habeas corpus* to discharge him? It is true they had not the advantage of the law of my Honourable and Learned Friend over the way; but if the House had not the power it assumed, it is difficult to understand how so many eminent lawyers can have submitted to it. Now, I say that the very fact of the obedience so yielded on the part of those persons, is a proof that this House was not overstepping its privilege in committing them; for the greater the abuse of the privilege, the greater is the probability of resistance, and the less likely is it to be submitted to.

With regard to abuse of privileges, I may be allowed to point out a great difference which exists between what may be considered as an abuse of privilege by this House, and excess of jurisdiction by courts of law. This House remedies those abuses of itself; there is no other power to put them down. And the integrity and good sense of this House, in the discharge of its duty, has induced it to give up privilege after privilege, when it was found that their continuance was not necessary. I must now refer to some of the cases that have been so much relied on in the pleadings, and which, I believe, counsel would hardly be allowed to cite in any other cause — especially the case of "Benyon *v.* Evelyn," which was supposed to show that there was a general jurisdiction in the courts of law to examine and overrule what was done by the authority of Parliament. Now, I must say that all the argument upon this case of "Benyon *v.* Evelyn" was extrajudicial; for, in that case, as was distinctly shown by my Honourable and Learned Friend the Attorney General, no privilege of a Member of Parliament or of the House was affected. It was an attempt, in short, by a creditor, to force the parliamentary privilege on a defendant who had been a Member of Parliament, and who, to an action of debt, had pleaded the Statute of Limitations. The plaintiff demurred to that plea, on the ground that the defendant was a Member of Parliament, and therefore could not be sued. The judgment in that case was pronounced by Sir Orlando Bridgman, — a great loyalist, who had been expelled from Parliament, but was then Chief Justice of the Court of King's Bench. He had been one of the commissioners who treated for Charles I. at Uxbridge, and was made a judge two days after the landing of Charles II., and then he came red-hot against the Parliament with that judgment. This is one case which has been relied on, in support of the power assumed by the courts of law. I warn the House that the step they are now about to take will form a lasting precedent. I will show what has been the result of forbearance in former cases, when you have not been called upon, or have not thought proper to act. In this very case of Benyon and Evelyn, as far as the matter of privilege was concerned, the judgment was in favour of the Member. The privilege was actually forced on him by the Court of King's Bench. The judgment, then, being in favour of Parliament, the House had

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no ground for interference; therefore, all that has been said upon this subject is, as my Honourable and Learned Friend the Attorney General contended, extra-judicial, and the remarks of the judges upon it are of no value as against Parliament, for, if the case applies at all, it must be to confirm the privilege. Undoubtedly Parliament would have interfered if the judgment had not been held to be good parliamentary law; and, because they did not, the Court of Queen's Bench actually treat the acquiescence, as they call it, of this House, in the judgment of Benyon and Evelyn, as authority against its privileges! I was never more surprised in my life than when I read, in this judgment of the Court of Queen's Bench, that the non-interference of the House, in the cases cited, must be taken as authority against its privileges! Why, to many of those cases the House was no party. I venture to say that some of them occurred when the Parliament was not even sitting. The House could not interfere in an incidental case of which they, perhaps, never heard. But, if abuse be a ground of the judgment of the court against the House, let us see how the case stands. If abuses have existed, the House has applied the remedy; but the course taken by the Queen's Bench would tend to negative all inquiry, and prevent all necessary cure by Parliament: the abuses that have been complained against are no longer insisted on, —Parliament has cured them itself, —and necessarily so, for an abuse of privilege cannot be maintained. Who ever heard of a "legitimate abuse"? And it is not removing an abuse to change the name.

But how stands the case with respect to the House of Lords? Suppose they vote a privilege, and a person is committed, or some other proceeding taken, for a violation of that privilege; the party brings his action, and the Court of Queen's Bench decides that the alleged privilege is no privilege, and then the party is entitled to a verdict. You appeal against that decision — How? By a writ of error, which brings you back to the very court that claims the privilege. The House of Lords would maintain the privilege which they had at first asserted; and it is absurd to say that you should begin a question in one court, that you should travel with it into another court, and that ultimately it should come back to the same court in which it first originated. What is the difference between the House of Lords and the House of Commons, on this point, in law? In my opinion, there is none. Here the Houses are co-ordinate. Hear the language of Mr. Chief Baron Gilbert: — "The House of Commons is intended as a check to the House of Lords." But what a farce would it be if the House of Lords could check the Commons; and if, when the two Houses are co-ordinate and independent of each other, one could so treat the other! It is, of course, necessary, that the House of Lords should have the same power of privilege as the House of Commons. And is not that power liable to abuse in that House as well as in this? The House of Lords is not superior in this respect to the Commons, and is as liable to abuse its powers. The law is framed upon the supposition that there can be no abuse without a remedy; but what remedy have you against abuse of privilege in the House of Lords, except in itself? Then, when it is put forth as the only ground of claim on the part of the court, that this House is liable to abuse its powers, it is to say that the Commons of England, who are sent here by their constituents, who are acting in public and for the public, are not to be trusted with this power, which the House of Lords possesses, of deciding upon its own privileges, for fear of abuse. No one, however, must dream of abuse on the part of the Court of Queen's Bench; and yet the charge of liability to abuse might, with even more reason, be made against this appellant power which now seeks to control you. The Court of Queen's Bench heard the argument of my Honourable and Learned Friend, replete as it was with sound sense, and containing a mass of high legal authority; and yet the only comment which my Lord Denman thought it necessary to make upon it was, that it was "laboured." I cannot help observing, that having read the judgment, —with all the respect which I bear for the four learned judges who pronounced it, than whom more honourable and more amiable men were never, I believe, under any circumstances, associated together, —I do feel considerable surprise at finding an impression on my mind that the judgment was determined on before the argument was closed. The court did not give itself time to consider all the arguments. Lord Denman said of the reasons given by Chief Justice Holt, that "it was easier to outvote than to answer them;" and I beg the attention of the House on this point, to the observation to which I have referred, respecting my Learned Friend's argument. I think that it is much more easy to give a loose general judgment, bearing some popular topics on the face

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of it, than to bring forward any legal authorities on which a judgment could be given against this House. I will shortly call the attention of the House to some of the authorities which exist on this subject. The Right Honourable Baronet opposite will, doubtless, recollect many of them. Lord Chief Justice Abbott has declared "that it was settled by many precedents in the courts of law;" and, finally, in the case of Burdett and Abbott, that "it was competent for the House of Commons to convict for contempt of their privileges, and that they were the judges, and the only judges, of what was a contempt. The cases of Lord Shaftesbury, and of The King and Patys are decisive authorities to show that the courts of Westminster Hall cannot judge of any law, custom, or usage of Parliament; and, consequently, they cannot discharge a person committed for contempt of Parliament. The power of commitment for contempt is incident to every court of justice, and more especially it belongs to the High Court of Parliament," — (he was speaking of the House of Commons, but in truth each branch of the Legislature is a court for these purposes,) — "and therefore it is incompetent for this court to question the privileges of the House of Commons, on a commitment for an offence which they have adjudged to be a contempt of those privileges." That was the judgment of Lord Tenterden, delivered a few years ago. Lord Kenyon has expressly said that it was impossible to admit that the proceedings of either House of Parliament could be a libel. "This," said he, "is a proceeding on the part of one branch of the Legislature, and therefore we cannot inquire into it." Mr. Justice Laurence held, that "the proceedings of courts of justice are daily published, some of which highly reflect on individuals. Yet it is of vast importance to the public that the proceedings of courts of justice should be universally known. The general advantage to the country in having these proceedings made public, more than counterbalances the inconveniences to the private persons whose conduct may be the subject of such proceedings. The same reasons also apply to the proceedings in Parliament; it is of advantage to the public, and even to the legislative bodies, that true accounts of their proceedings should be generally circulated; and they would be deprived of that advantage if no person could publish their proceedings without being punished as a libeller."

I will next read the judgment of Lord Camden in the case of Entick *v.* Carrington. Lord Camden said, "The rights of that assembly (the House of Commons) are original and self-created; they are paramount to our jurisdiction; and they are above the reach of prohibitions, injunctions, or error," — meaning thereby any writ of error. I will now refer to the judgment of Chief Justice De Grey, which was passed by, in this present judgment, with scarcely an observation; and as for answer, there was none: —

> When the House of Commons has adjudged anything to be a contempt or a breach of privilege, their adjudication is a conviction, and their commitment in consequence, is execution; and no court can discharge or bail a person that is in execution by the judgment of any other court. We do not know, certainly, the jurisdiction of the House of Commons; we cannot judge of the laws and privileges of the House, because we have no knowledge of those laws and privileges.

Lord Denman said to this, — "You say that we do not know the law of Parliament: what better means of knowledge have you?" Why, when the judges say that they do not know the law of Parliament, what they say is — that they are judges to decide the common law; that their books are addressed to the common law, and not to matters of parliamentary law; and therefore that parliamentary law is not the law that they, as common law judges, know. The same thing would be said by judges who were most profoundly learned in parliamentary law; and they would say it all the more, and all the more properly, because they were so profoundly learned in parliamentary law. What if the Court of Queen's Bench should not know where Dublin was? And yet there was a case in which the court held, that they did not know that Dublin was in Ireland; it was not averred, and, therefore, they did not know it; but is it to be supposed that the judges did not really know that Dublin was in Ireland? But they did not know it, judicially. To the courts of law, parliamentary law is like foreign law; and how do the courts administer foreign law? They require evidence. I am surprised, therefore, that great lawyers should not be aware that when the judges say they do not know parliamentary law, the obvious meaning is, that they come to courts of common law to administer the common law, and that they will not decide on other matters not within their judicial knowledge. This was the manner in which the subject was dealt with in Thorpe's case, when the assembled judges were called before the House of Lords, and they declared that "relative to the law of Parliament they could give no opinion." They did not mean that they

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were ignorant of the law, but that they had no jurisdiction in such matters. Mr. Justice Holroyd said that all that was meant was, that they could not give a judgment in a matter before the House of Lords; and the error of Mr. Justice Holroyd was at once corrected. The Court of Queen's Bench adopted the error of Mr. Justice Holroyd, and got rid of the decision. Chief Justice De Grey said further,—

> There are two sorts of privileges, which ought never to be confounded; personal privilege, and the privilege belonging to the whole collective body of that assembly. Courts of justice have no cognizance of the acts of the Houses of Parliament, because they belong *ad aliud examen*.

And Mr. Justice Gould added,—

> This court cannot know the nature and power of the proceedings of the House of Commons; it is founded on a different law; the *lex et consuetudo Parliamenti* is known to Parliament men only. The House of Commons are the only judges of their own privileges.

To the opinion of Mr. Justice Blackstone I would direct the particular attention of those Honourable Gentlemen who have read the judgment, — because I wish to show how summarily this high authority, who devoted so much time and attention to the higher branches of the law, disposes of the question. He says,—

> The House of Commons is a supreme court, and they are judges of their own privileges and contempts; and if any persons may be safely trusted with this power, they must surely be the Commons, who are chosen by the people, for their privileges and powers are the privileges and powers of the people.

I call the attention of the House to the opinion of Blackstone, because he was a man connected with the aristocracy and the power of that day, and it is well known that he took an active part in the Middlesex election; and he says, that "the House of Commons is the only judge of its own proceedings;" and, further, "it is our duty to presume that the orders of that House and their execution are according to law." I will not weary the House with citing further judgments of the many learned judges who have pronounced opinions to the same effect; they have all been swept away in a few sentences in this last judgment of the court. Lord Denman said that his learned friend had admitted that the court had an incidental jurisdiction; but stated that he had some difficulty in understanding the Report of the House on the subject, which says that the judges have no direct power to decide upon the privileges of the House; but, when they come before them incidentally, they must dispose of them. The Report says it is difficult to understand the law the judges lay down, as to the difference between direct and indirect jurisdiction; but whether it be incidental or not, they can have no jurisdiction inconsistent with the authority of Parliament. I could have wished this opinion had been more clearly expressed,—it might then have been understood. I believe there is no difficulty in the present case. Suppose an action to be brought in one of the courts at Westminster for the seizure of a ship, and it should be pleaded that she was a prize of war; the moment that plea was put in there would be an end to the jurisdiction of the court; the question of the prize would have to be decided in another court; but when the Prize Court had decided, it would be competent for the court in which the action was brought to give effect to such judgment. Again, suppose a husband to sue in right of his wife; a question might arise whether the marriage was lawful; the bishop would then be appealed to, to certify whether the marriage was lawful, or not. That is the incidental jurisdiction. So, in many cases, there may be an incidental power to determine something beyond the jurisdiction of the court. My Learned Friend, in the course of his argument, cited a score of cases at the least, in which the judgment of the court of peculiar jurisdiction was declared to be binding on the court of incidental jurisdiction; but the whole of this part of the argument was passed by in the judgment with scarcely a single remark. The question, however, is, whether the House is satisfied with this judgment? and if not, what is the House to do? If there be any special circumstances in the present case, justifying the course proposed by the Noble Lord, let them be stated; but let us not damage our cause by the use of general words, which, in after ages, will go for nothing. I call upon the Noble Lord who has moved this resolution, to state the special circumstances upon which that resolution proceeds. I believe there are none; and I defy him to point out one special circumstance which shall not tend to a conclusion directly opposite to that at which he has arrived. You may say that you have pleaded; that you have argued; that you have taken the chance of the decision of the judges; and, if it be the Noble Lord's pleasure, that public opinion is against him. I allow that public opinion may be against him; but the House may rest satisfied that public opinion will still more strongly condemn our proceedings, if we fail to pursue a straightforward, manly, and vigorous course. Can you ever hope to be in a

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more favourable position for adopting such a course than you now are? Can you aver the existence of the privilege more distinctly than you have done? and are you now to come to a resolution that you do not, now, assent to the resolutions which you formerly passed? If you proceed no further, — if you stop where you are, and if you adopt the proposition of the Noble Lord, will it not appear that the Noble Lord has some occasion — some reason — to correct the opinion of the House on the subject of that resolution? And what would be the effect of such a proceeding? Would it not be to lower the House in the estimation of the country, and to embolden the courts to take further proceedings? Why hesitate? You require more time to examine. Examine what? For my own part, I regret that so much time was lost in the committee. But what further search do you want? Is there any doubt? If there is, admit it. I am ready, and earnest in this cause. If the resolutions of 1837 were wrong, let the House at once go back. If you have asserted more than you can safely act upon, I say you will consult the honour and dignity of the House much better by at once discharging the resolution. Let us proceed no further in a wrong course; — but do not act inconsistently, by continuing resolutions on your Journals, which you are afraid to enforce. Do not keep up a face of determination before the country, when you show, by your hesitation, that you doubt the rectitude of your own conduct? What evidence have you that public opinion is against you? and what have you done to lose the favour of the people? You did not commence the war against this wretched man, Stockdale; you were forced into the conflict; and the judgment, contrary to all reasonable expectation, is against you. Here, then, take your stand. You are charged with the peace, the safety, and the interests of the public; it is your duty to protect those interests, and to maintain those privileges which are necessary to enable you to perform your duty to your country. I would say, do nothing rashly: the public will excuse you, if you state your doubts openly and manfully; but you will never command popular favour and approbation by showing weakness or vacillation. You have protested against the jurisdiction of the court, and have warned the judges that you will not allow your privileges to be questioned; and if you hesitate now, you can only be considered as the tenants at will of the Court of Queen's Bench; — for this decision of the court will affect every privilege you possess. The Queen's Bench will concede to you — what? Liberty of speech, and freedom of person. But I say, let them once get the wedge in, and depend upon it they will drive it home. If the House submit to this judgment, what privilege have you which may not be invaded? What privilege, I ask, do you possess, which has not been denied, at one time or other, by the judges? You are publishing reports of your proceedings day by day. I say, stop that publication, if you have any doubt of the necessity or legality of such a course. You are told that you ought to set an example to the courts below; — do so. In the first place, do nothing unlawful; and, in the next place, preserve your authority firmly and gravely, — for no tribunal can long maintain either its honour or usefulness, if it permit its authority to be tampered with. You never can be in so good a condition as now. You have acted with temper and moderation, hitherto; you must now boldly assert your rights, and maintain those privileges which are necessary to enable you effectually to discharge your duties to those whose interests you represent. Here is a case of actual interruption of your authority and usefulness. Here is a man who interferes between you and your officer, and will not permit him to obey your orders, in printing the Reports of your proceedings, and the evidence laid on your table. It makes no difference, in effect, whether the man seizes your officer by the collar, for the purpose of effecting this prevention, or whether he restrains him by any other means, as the effect of the restraint is the same, however it may have been accomplished.

We are told not to go to the inferior jurisdiction, but to go at once to the judges. But what would the courts do in such a case? They would not hesitate to commit the poor sheriff, the poor barrister, or the poor anybody else, if he acted in opposition to them. One court, claiming a jurisdiction, will not suffer it to be usurped by another. The Exchequer will not suffer any interference by any other court in regard to questions relating to the revenue; and the Court of Chancery would at once commit the sheriff for contempt, if he presumed to execute a writ from the Queen's Bench in defiance of their order. I ask you, then, to pursue the same course that is acted upon, in similar cases, by the courts of law. It is the most safe, and, at the same time, it is the proper course; but, if you are to indulge in such tender feelings, that, before you proceed to vindicate your privileges, you are to stop to inquire whether or not the sheriff is culpable, I tell you, you will not

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have an opportunity of vindicating those privileges at all. But, in this case, your fears are delusive; all you have to do is to show a determination to act. That must lead to a communication; and there can be no doubt that, then, the question would be set to rest in a satisfactory and a constitutional manner.

I have paid much attention to this matter. I have well considered what course would conduce most to the benefit of the House and of the country, and would be least likely to interrupt the progress of the public business; and my advice is, that the privileges of the House be firmly asserted and maintained. There have been numerous cases of interference, both by the House of Commons and House of Lords. I will mention one. A Member was taken in execution for a debt of 4000*l.*, and held in custody by the warden of the Fleet. At that time, a doubt was entertained whether, if a man arrested under execution was once discharged, he could be taken again. The House issued an order to the warden to discharge the Member from custody. The warden refused, and the House committed him for contempt. He still refused to obey the order, and the House then committed him to still closer custody, until, at length, he did discharge the Member of Parliament so arrested, and the House vindicated its privilege. Now, if this was thought a fit course to be taken when only the privilege of one individual Member was involved, why should it not be resorted to in a case in which the privileges of the whole House of Commons are concerned? There can be no doubt of your right to act, now, as the House of Commons did then. But the question is, what is the proper course? Shall we strike out a new course, or pursue the old, which time and precedent have sanctioned? Is not the old the safest course? I would say that, if a considerable majority of the House are of opinion that the privilege of publishing its proceedings is necessary to the proper discharge of the functions of the House, the safest course is, to stop the execution through the sheriff. But if the difference of opinion be great, and if a large portion of the House consider that they ought not to act in the manner I have proposed, then I would say that it is better that the privilege should die a natural death, than that the House should enter on a struggle in which a division of opinion must produce defeat. That which were wise when the House was united, I should consider rashness when the House was divided in opinion. Such, Sir, are my sentiments; and I have now but to thank the House for the indulgence which they have granted me in affording this opportunity of stating my views.

SIR E. SUGDEN. — I can assure the House that I do not rise for the purpose of answering the able speech of my Honourable and Learned Friend who has just sat down. In a great deal of what has fallen from the Honourable and Learned Gentleman I fully concur; and the only question in my mind is one — relative to the special circumstances of the present case. In my opinion, this is not a case of libel, and it ought not to have been treated as a question of libel by the judges, but simply as a communication to the House which was necessary to enable them to frame a measure for the improvement of prisons. In making this declaration, I am emboldened, in some measure, by the opinions which I hold in regard to the publication of the proceedings of this House. It is my impression that the House is not justified in publishing their Reports and proceedings in the manner which is at present acted upon. I think those Reports are published without due examination and care; and I should wish to see, rescinded, the resolution of the House which sanctions the sale of all the papers which are printed by its orders. I also think that the Committee on Printed Papers ought to have the duty intrusted to them of deciding on the propriety of publishing Reports and other accounts of their proceedings. I should wish to give an assurance to the public that the House is disposed to send out no paper likely to prove injurious to individuals, and that due caution is exercised in deciding on the propriety of publishing any Report or other document. One of the learned judges has said that he was desirous to avoid using any language calculated to offend; but that he could not help asking whether any public benefit, resulting from the publication of parliamentary proceedings, could make up for the injury done to individuals, and inflicted on the House itself, by its trading in books? Such, also, was the opinion of the Lord Chief Justice. The reason why I have alluded to this subject is, because the judges seem to have been strongly impressed with the idea that the House had allowed the sale of its proceedings without due care having been exercised to prevent the publication of defamatory matter,—that the House had allowed the publication of Reports without due deliberation and caution. It is my misfortune to differ from my Honourable and Learned Friend in the opinion that this House is, gene-

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rally, and without qualification, the best and only judge of its own privileges. I think that some limit ought to be defined, and that some line ought to be drawn. None of the known privileges of the House have been denied; but there are cases which might come before the courts of law without any question being raised as to the known and necessary privileges of the House. In the case of "Burdett *v.* Abbott," Lord Ellenborough, who decided in favour of the Speaker, said, expressly, that cases might arise in which the court must decide against the privilege of Parliament. I will put an extreme case. If the House were to violate any of the rights of the subject, it cannot be doubted that the courts ought to afford protection. I agree in the opinion that this is not a case of libel, and that the House was right in contending for the propriety of the publication of the Report on which the action was founded. I wish that, in the discussion before the court, it had been possible to confine the attention of the court to the point whether or not the House had a right to publish that particular Report? If that point alone had been kept in view, I conceive that it would have been difficult for any court to pronounce for the plaintiff; but, unfortunately, the discussion took a different turn, and the whole subject of privileges in consequence came in question. The plea of my Honourable and Learned Friend the Attorney General was a very proper one, — no one can find fault with it; but there was this difference of opinion about it, — that the judges were entitled to pronounce on the whole plea. The Chief Justice so stated; and Mr. Justice Coleridge said, that they were bound to judge and decide according to their conscience, and according to their opinion of the law.

My Honourable and Learned Friend (Mr. Serjeant Wilde) has made a great point of the appellate jurisdiction of the House of Lords; but he seems to have forgotten that the case of "Burdett and Abbott" went to the House of Lords, and that that House adjudicated upon it; and yet that case involved some of the dearest privileges of the Commons. Now, I agree with my Honourable and Learned Friend, that in this particular case the House had the right to publish the document, and that the Court of Queen's Bench was wrong in its judgment; and if my Honourable and Learned Friend had addressed the House at the time that Stockdale brought his action, I should have agreed with him that the House would have been fully justified in committing him for a contempt of its privilege: but the point on which I differ from my Honourable and Learned Friend is this, — that special circumstances have since occurred in this case which ought to prevent the House going further with it. My Honourable Friend asks, are we afraid to vindicate our privileges? I contend that we have already done so. We have already rescinded, in effect, our resolution. Now, let the House see what would be the consequences to the sheriff in this case. If he refused to obey the Court of Queen's Bench, it would issue an attachment against him; and if he did issue execution, this House would commit him; and let it also be observed, that in half an hour after his refusal to issue execution, Stockdale might commence an action against him. Would the House, in that case, commit Stockdale? Would they deprive him of the benefit of that action which they have disputed with him? What we should have done was, to have stopped him in the beginning. Instead of that, we have argued the whole matter with him, day by day, and step by step; and now to interfere, and deprive him of the advantage of the judgment pronounced in his favour, and to lay him by the heels just as he is about to reap the fruits of his action, would be to bring the general feeling of the country against the House. This is a course which I am sure the House would not dare to adopt. I say would not dare, because I am sure the House would not dare to do that which it knows to be wrong. Let the House look at the consequence of proceeding against the sheriff in the manner recommended by my Honourable and Learned Friend. That officer would, most undoubtedly, resist the authority of the House, and would obey that of the Court of Queen's Bench. If the House should proceed against the sheriff and commit him, the court, as a matter of course, would vindicate its authority and that of its officer; and should he be, as unquestionably he would be, brought before the court by a *habeas corpus*, the court would at once discharge him. What course would then be open to the House? Would they call the judges of the court to the bar of this House and commit them? And if they did, would not that be punishing the judges for the conscientious discharge of their duty? For, as has been well remarked by Mr. Justice Coleridge, the judges did not invite the case before them. It was brought under their jurisdiction in the ordinary way, and they could do nothing else than decide it conscientiously. I should be ashamed for the profession to which I belong, if the judges

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of the land should be called to the bar of this House for such conduct. My Honourable and Learned Friend has talked of the risk of having the privileges of this House brought under the jurisdiction of the House of Lords: but suppose the verdict had been against Stockdale; what was there to prevent his bringing a writ of error, and from taking the case by appeal to the House of Lords?—and there the question of deciding on the privileges of the Commons would have been argued, and probably finally decided. In conclusion, I must again express my opinion that the publication in this case was not a libel, and that the Court of Queen's Bench was wrong in its judgment; but still I must repeat my conviction that the House has let the proper time for asserting its privilege go by,—and on this ground I must give my vote against the amendment.

[Loud cries of "Divide, divide!"]

The SOLICITOR GENERAL. — I shall interfere but for a very few moments; but I cannot shrink from declaring to the House that opinion which I deliberately formed and declared in the committee,—more particularly, as I had the misfortune, on that occasion, to differ from my Honourable and Learned Friend the Attorney General. I at once admit that my reason for not adopting the proposition included in the amendment is, that, under the circumstances of this case, it is absolutely impossible for the House to take the extreme course suggested, without outraging the feelings of every person in the community. I am aware that I differ from a great number of my Honourable Friends on this subject; and, with their permission, I will suggest to them, shortly, the grounds on which I have come to that conclusion. My Right Honourable and Learned Friend the Member for the Tower Hamlets has pointed out the extremely good case the House had for asserting this privilege. If, indeed, we look to the subject-matter of the libel, as it is called, I admit that our case is so strong and so irresistible that we never can hope that a case will again occur, upon which to try the question with such advantage. This must be conceded. But this is not the only question to be considered; for if, by enforcing this order, we should carry with it not only the appearance but the reality of extreme injustice,—then I think the very first step you would take would compensate all the advantage which the case itself could give you. In what would the extreme injustice of such a proceeding consist? If, in the beginning, you had said that the action should not be brought, you then would have imposed an injunction upon the person bringing the action; and he would have known that, if he persisted, his proceeding would be considered as an act of violation of your privileges on his part, which the House would not allow with impunity. The party would know the consequence of his contumacy; and that, if he proceeded with his action, he would be punished. According to my experience of the proceedings of the Court of Chancery, the practice respecting injunctions has been erroneously represented. That court does not restrain the sheriff, but it restrains the counsel, agents, and attorneys of the party,—all of whom are persons who are at liberty to act or not to act. Now, on a ground analogous to this practice of the Court of Chancery, the House of Commons might have said to Stockdale, "You shall not bring this action;" and, if he had then acted in defiance of that injunction, the House might have committed him, his counsel, agent, and attorney. But it is admitted that the House could not commit the judges of the Court of Queen's Bench. They were called upon to give their opinion on the case; they did so,—they could not help doing so. It would be most absurd, therefore, to proceed against them. But, is not the same argument exactly applicable to the case of the sheriff? He takes an oath that he will execute all the Queen's writs that are put into his hands. He would tell you, "I have taken an oath which absolutely binds me to execute this writ." Can you reply, "Never mind that; you shall not do it?" I can only say that, if you had, at first, proceeded against the party, and had, by degrees, got up to this last and ultimate step, it would still have appeared to me to have been a most desperate remedy; but, in the present case, it is proposed that the House should commence with that act of injustice. That is one great objection I have to proceeding further. But there is another objection,—the House, by so acting, would do no good. If they committed the sheriff, he would, perhaps, remain in prison till the end of the Session; but he would then come out, as a matter of course, and execution on the judgment would be levied. What, then, would the House do during the next Session? They could not commit the sheriff, for he would be out of office, and another would have been appointed, against whom no proceedings could be taken, as he would not have had anything

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to do with the matter. You would, therefore, find yourselves, at last, just in the same predicament as you are in now. I therefore have come to the conclusion, that whatever course it may be thought right to pursue in future cases, the House cannot persist in proceeding further in the present case. I cannot conclude without expressing my high approbation of the speech we have heard from my Honourable and Learned Friend (Mr. Serjeant Wilde), — a speech which, whether for depth of research, or clearness of arrangement, or aptness of illustration, has, certainly, very seldon been equalled, and never can be surpassed.

[Cries of "Divide, divide!"]

Mr. WYNN. — Sir, I wish to occupy the attention of the House for a few moments, although I feel that I can add little to the masterly speech of the Honourable and Learned Member for Newark, which appears to have exhausted the subject. I consider that the House is now placed in that situation in which it must either be prepared to take some decided step to vindicate its privileges, or abandon them altogether; therefore, however much I may regret to see the House placed in such a position, I feel that, although called upon at the eleventh, or, I may say, the twelfth hour, I have no choice left to me but to support the motion of the Honourable Member for Bridport, for resisting the execution of the judgment of the Court of Queen's Bench. That judgment strikes at the foundation of all our privileges — the very basis on which they rest.

Cries of "Divide!" and, "Question!"]

The argument on which the judgment of the Lord Chief Justice and the other learned judges was founded, appears to me to call in question the ancient and long-established right of this House to determine upon matters of its own privileges. I will not attempt to cope with those high authorities on legal points; but I do contend that, with respect to the particular privilege now called in question, the right of printing and publishing and even selling copies of our proceedings is supported by a continuous exercise, more uninterrupted than any other, — extending over a period of 160 years, — for, with one very short interruption only, it has been exercised daily, and without question, ever since the year 1680. Without going into those numerous authorities which have been so ably cited by the Honourable and Learned Member for Newark, I must affirm that all the weight of authority is in favour of this privilege. The Lord Chief Justice, in quoting the opinion of Judge Blackstone, seemed to throw overboard the opinion of that eminent judge, as a commentator. Justice Blackstone, in that admirable work of his, with which all are acquainted, quoting the opinion of Coke, says, —

> Whatever is enacted for law by one or two of the three separate branches of the Legislature has not the force of a statute, and is entitled to no regard, unless in matters relating to their own privileges.;

This was an exception made by Lord Coke; but was that all? He afterwards adds, —

> The whole law and custom of Parliament has its origin in this one circumstance, — that whatever matter arises respecting either House of Parliament ought to be examined, discussed, and adjudged in the House to which it relates, and not elsewhere.

These words are quoted from Lord Coke, and to them Blackstone adds the weight of his own authority. It has been said, to-night, that the committee might have expressed themselves in language less liable to be misunderstood; but let me ask, can the English language afford terms in which the rights and privileges of this House can be more strongly or more plainly stated, or language which is less open to misapprehension, than are here employed. There is another authority which goes even farther than these, — that of Mr. Justice Gould. He says, —

> Matters of privilege might come incidentally before the Court of Queen's Bench, and then it would be obliged to determine on them; but even then only because the House, itself, had decided that its privileges did not protect libels.

In that case, too, it was the case of an individual Member, not of the privileges of the House. The House had determined that its privilege did not protect seditious libels; they communicated with the House of Lords; and, having come to a resolution, communicated the result to the Court of Common Pleas. I know of no stronger proof of the right of the House of Commons to decide on its own privileges. I will not delay the House by quoting, at length, the opinion of the Chief Justice, as delivered on that occasion; but the substance of it was, that he felt a doubt whether the court could interfere against a commitment by the House. At this day, at the commencement of the Session, the Speaker claims for the Members of this House, protection for themselves, their servants, and their lands during the sitting of Parliament. The privilege of protection against suits is no longer claimed — be-

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cause it has been found to be unnecessary for the public advantage; and so with regard to all other privileges,—they are not continued for the mere personal gratification of the Members of this House, but the moment they are found to be no longer conducive to the public benefit they are abandoned. It is now exactly twenty-nine years since, in the case of Burdett *v.* Abbott, I remonstrated against the course then pursued, of directing the then Attorney General to plead to the action. I then thought that the House, having pleaded in bar, should have adopted its ancient weapon of commitment, and committed all the parties. But having pleaded in bar, it was not then too late; and accordingly I moved a resolution declaring that all parties concerned in carrying on the action would be guilty of a great breach of the privileges of the House. That motion did not meet with the support of the majority. It was opposed by Mr. Perceval and Mr. Charles Yorke, who were at that time Ministers of the Crown, and a large majority; but I have always the satisfaction of reflecting that that motion was supported by Sir Arthur Pigott, Mr. Adams, Lord Althorp, and the highest constitutional authorities of the day. It is argued, that in the present case we have allowed the proper time to go by, — that the opportunity for vindicating our privileges has passed, — but that if the offence be repeated, then the House will act at once. Now, in what a situation shall we thus be in? Will not our privilege be in some degree compromised; — and then can we say that the next case may not be identically the same as this, while our own position will probably be much worse? Now, suppose you take time to consider as to the propriety of passing a declaratory Act — which, I suppose, will bring us on towards the close of the Session. The committee may report, perhaps, one or two days before the Session ends. Another action is commenced on any libel that can be found in any of our printed Reports, either of this year, last year, or even the year before. We know that the Court of Queen's Bench will admit it, and will take cognizance of it, and that it may be carried on to judgment before the meeting of the House — supposing that the meeting takes place next Session at the usual period, February; we should then find ourselves in a similar situation to that we are in now — except that the damages might be found to a much greater amount. I say, then, the safe course is that which the House has in previous cases adopted, — namely, to commit the parties.

[Cries of "Divide, divide!"]

I am as jealous as any man of bringing the privileges of this House before the House of Lords by a writ of error; because it would be bringing them before the Lords to be decided on by them in their judicial capacity. But if you pass a declaratory law, and go to the Lords for their assent to the same, you will be calling on them, as co-ordinate legislators interested in preserving the privileges of this House. I do not think that a declaratory Act would weaken our privileges; we should still be able to support and enforce them by all the means in our power. When this question was argued before, I told the House that they must make up their minds either to protect their privileges, or not; and that if they did not mean to protect their privileges to the utmost of their power, they had better give them up at once, or they would be driven into a corner at last, and be compelled to adopt a severe and extreme remedy.

[Cries of "Question!" and, "Divide!"]

This House must have the supreme power for deciding upon its own privileges; — but if they are to be under the control of the Court of Queen's Bench, or other inferior courts, then the House of Commons becomes inferior to the courts of law.

[Renewed cries of "Divide, divide!"]

LORD VISCOUNT HOWICK.—Having had the honour of being in the chair in the committee to which this same subject was referred two years ago, I cannot suffer this debate to close without saying a very few words as to what are the grounds on which my vote of this evening will be given. The Honourable and Learned Gentleman the Member for Newark has argued so admirably, and, in my opinion, so unanswerably, on the general question, that upon that I need not add one single word. I think the Honourable and Learned Member has demonstrated, beyond the power of refutation, and almost beyond the power of all answer, that this House possesses that particular privilege for which we contend, of publishing our papers without being liable to question in a court of law,—and also the still higher and more important principle, that this House is the last and only judge of its own privileges. I think the Honourable and Learned Gentleman has demonstrated both these points; and I believe that a

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very large majority of this House concur in that opinion. The only question, then, on which I wish to say a single word, is, as to what, under present circumstances, is the course which ought to be adopted with a view of maintaining those ancient and valuable privileges, which the Honourable and Learned Gentleman has shown that we possess?

On this point, I confess that I heard with great astonishment, indeed, the speech of the Right Honourable Member for Ripon (Sir Edward Sugden). He says that "the case is no libel which has been brought before the Court of Queen's Bench;" and yet the course which he recommends to us is, to rescind the resolution of 1835, authorising the sale of our papers. In what way would such a step contribute to relieve us from the difficulty? In the courts of justice, all parties are agreed that the question of law is in no way affected by the sale. What effect, then, would the rescinding of that resolution have, except to encourage further encroachments? If anything would tend to confirm me in the opinion I entertain, it would be the reason which the Right Honourable Gentleman has assigned for recommending this course;—"Do this," he says, "because, however little reason there may be for objecting to the sale of these papers, still the feeling is against it,"—Mr. Justice Coleridge having observed upon what he terms the "unconstitutional" practice of the House in raising money by the sale of its papers; and another Learned and Noble Judge having said that the House were reducing themselves to the position of "traders in books." I must, however, beg to say, that, in the language they have so used, the judges have only shown their utter and entire ignorance of the subject.

[Cries of "Oh, oh!" and, "Hear!"]

The House of Commons is no "trader in books;" the House of Commons does not "raise money illegally or unconstitutionally," by selling the papers which it prints. And Lord Denman, in using this language, so calculated to create an impression against the House of Commons, stated that he had read the former Reports of the Committee on Printed Papers, in which it was stated that the papers were sold at far less than they cost. And, whether to profit or not, this House, as a branch of the Legislature, has no concern in the matter; the whole is managed in the only manner in which it could be managed,—by the executive authorities acting under the Crown. It is the Lords of the Treasury who conduct this business;—Mr. Hansard accounting to them for the sale of the papers,—and the produce goes towards defraying his charge for printing. The House of Commons no more raises money by the sale of those papers than it raises money by the sale of Ordnance stores, which takes place precisely in the same manner,—the produce of the sales being appropriated in diminution of the Ordnance expenses. And because two judges have shown, what, I must say, in their situations, is most blameable ignorance on such a subject, we are to rescind the resolution of the House, and to reverse a rule to which, on many accounts, it is most important that the House should adhere! The Right Honourable Gentleman (Sir Edward Sugden) then says we ought to be more cautious in publishing our papers. Has any one shown, yet, that a proper want of caution exists? Was there any want of caution in this particular case? The only complainant is this Mr. Stockdale; and I appeal to the Honourable and Learned Member for Newark, to say with what justice he has come forward. So far as I have seen anything of the House of Commons, there has always been a great and laudable anxiety, here, to avoid, as far as possible, wounding the feelings of private individuals. I appeal to the Honourable Gentleman who was chairman of the Committee on Transportation, if we did not often leave out particulars and names, which were yet necessary in order to give the country the means of scrutinising the truth of statements in the Reports,—in our anxiety to save individual feeling; and whether we did not almost err on the side of respect to private feeling than otherwise? I have witnessed the same thing in many other instances. I will not allude to cases of petitions containing objectionable passages, which may have been presented and printed in pursuance of motions made to that effect by individual Members, without a sufficient degree of caution being exercised in examining their contents; but I will say, that of late years, and since the time when the rule was established that these papers should be sold under certain regulations, the House has been far more cautious in printing petitions than before. And the Right Honourable Gentleman must remember that the printing of petitions by which calumnies may be disseminated, and the selling of those petitions, does not date from a period prior to the year 1815; while, on the contrary, the regular sale of votes has never ceased for considerably more than a century and a half. When, therefore, the Court of Queen's Bench tell us that the votes contain no

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criminatory matter, that is another example to show with how little of that information and caution which ought to be observed in a case of this kind, the judges have taken on themselves to pronounce on this case. The votes have often contained facts conveying the severest censure on individuals. Why, Sir, the other day only, did you not pronounce a very severe, though just and well deserved, censure on an individual who had been found guilty of committing a fraud on this House? and might not that party, Benjamin Lovibond, bring an action against the printer for publishing that censure? One of your very first acts, Sir, on taking that chair, was, to call that individual to the bar and reprimand him for the fraud he had so committed. It was necessary that the public should be made acquainted with the circumstances, in order to deter others from similar conduct; and yet, for publishing that reprimand, our officer is liable to an action for libel! But I will return to the point on which alone I wish to address the House with respect to the course we are to adopt. If we are not to rescind our order for selling papers, if we are to maintain our privileges, the question is, are we to take the course recommended by the Honourable Member for Bridport? or are we to allow Mr. Stockdale to receive the 100*l.* awarded to him? I am far from denying that there is great weight in the argument of the Honourable Baronet (Sir E. Sugden) on the effect of our past proceedings on public opinion; and I think the answer of my Honourable and Learned Friend the Member for Newark may be correct; but at the same time, in having allowed Mr. Stockdale to proceed as he has proceeded, without having hitherto taken any final steps, we have to a certain extent in public estimation committed the House, and I have no doubt that what the Right Honourable and Learned Gentleman (Sir E. Sugden) has said about the plea being put in is correct; but I cannot help thinking, that when the plea was put in, the Attorney General should not have been directed to support it by arguments, but that it should have been left to the court deal with it as it might think proper, and that this House ought to have committed Mr. Stockdale, his attorney, and counsel.

[Cries of "Hear, hear!" and laughter.]

That would have been the proper course. Having committed, however, an error, — being, to a certain degree, in a disadvantageous position already,—it is now to be considered how we shall make that position more or less disadvantageous, by persevering in the course we have adopted. I confess this is a point on which I have had great difficulty in making up my mind. I was for a long time disposed to believe, with the Right Honourable Baronet, that it was better to persevere with regard to this case; and it was only on the most mature deliberation that I was disposed to adopt the conclusion, that it were safer to concede no farther, — that we must ultimately make a stand, and that it were better to do so, now, than to run the risk of incurring still greater difficulty; and I confess that I am greatly confirmed in this view by the manner in which the question has been argued by those who are in favour of the concession being made. I find that the great majority of the Gentlemen who advocate that course are those who, like the Honourable Member for Ripon, conceive that this House has no real means of protecting its own privileges.

SIR E. SUGDEN. — That is not my opinion.

LORD VISCOUNT HOWICK. — I am glad to hear that that is not the opinion of the Right Honourable and Learned Gentleman. But still it does appear to me that there is a strong leaning in his mind, that, in a conflict with the courts of law, when it comes to the last extremity, the House of Commons must yield. My Honourable and Learned Friend the Solicitor General has argued under that impression. When a person argues under an impression of ultimate defeat, I must confess that I am not over anxious to follow his advice; I would rather act under the advice of those who trust and hope, from their conscience, that they shall ultimately succeed. I think that we have a sufficient warning in the concessions that we have already made. When, influenced by the opinions of my Honourable Friends near me, I concurred in the resolution that the Attorney General should be directed to plead, and appear in this case, I certainly was not prepared to expect that the concession then made was to afford such arms against us hereafter; and the speech of the Honourable Baronet the Member for Oxford University, and the speech of the Right Honourable and Learned Member for Ripon, this evening, show me very clearly, that if we make another step in the road of concession, it will be extremely difficult for us again to stop. I am not one of those who believe that our taking this course would make the future assertion of our privileges hopeless; I trust that that will not be the case, because I anti-

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cipate that the decision of the House will be very contrary to what I desire. I should be sorry indeed, if that decision should irrevocably debar the House from the future assertion of its privileges. I have now stated — very imperfectly, I am aware—the chief grounds which induce me to come to the conclusion, that we ought now to take measures for preventing the execution of the judgment. Having avowed that opinion in the committee, I thought I was bound to avow it here; and I certainly shall give my vote in favour of the amendment of the Honourable Member for Bridport.

[Loud cries of "Question, question!"]

Mr. FITZROY KELLY. — Sir, I should not have trespassed on the attention of the House, but for some of the observations which have fallen from the Noble Lord who has just spoken.

[Loud cries of "Oh, oh!" and, "Divide!"]

If the House will not afford me a hearing for a few moments, I shall be reduced to the painful necessity of moving an adjournment.

[Renewed cries of "Oh, oh!" "Hear, hear!" and, "Divide!"]

The judges, everywhere but here, are treated with the respect due to them. The Noble Lord has thought fit (I hope I may not say deliberately) to charge the learned judges, who are not here to answer for themselves, with having pronounced a judgment in ignorance of the facts, and without due consideration.

[Loud cries of "Hear!" "Oh!" and, "Divide!"]

I venture to tell the Noble Lord ——

[Loud cries of "Oh!"]

— that he may esteem himself happy if his speeches, in or out of the House, are distinguished by the sound constitutional learning which is to be found in any one of the judges to whom the Noble Lord has alluded.

[Great noise, and cries of "Oh!"]

With regard to the resolution of the Noble Lord, it does appear to me that this House is brought by it into a condition in which it cannot recede with dignity, advance with consistency, or stand still with safety.

[Cries of "Hear!" "Divide!" and laughter.]

The House then divided upon the question, "That the words proposed to be left out stand part of the question:" — Ayes 184; Noes 166; — Majority 18.

AYES.

Acland, Sir T. D.	Freshfield, J. W.
Acland, T. D.	Gladstone, W. E.
A'Court, Captain	Glynne, Sir S. R.
Alsager, Captain	Goulburn, Rt. Hon. H.
Anson, Hon. Colonel	Greene, T.
Archdall, M.	Grimsditch, T.
Bagge, W.	Hale, R. B.
Bagot, Hon. W.	Halford, H.
Baillie, Colonel	Harcourt, G. G.
Baker, E.	Hardinge, Right Hon. Sir H.
Baring, F. T.	Hawkes, T.
Baring, H. B.	Heathcote, Sir W.
Baring, Hon. W. B.	Heneage, G. W.
Barneby, J.	Henniker, Lord
Barrington, Lord Vt.	Hepburn, Sir T. B.
Bentinck, Lord G.	Herries, Rt. Hon. J. C.
Berkeley, Hon. G.	Hinde, J. H.
Bernal, R.	Hobhouse, Rt. Hon. Sir J.
Bethell, R.	Hodgson, F.
Blackstone, W. S.	Hodgson, R.
Blandford, Marquess of	Hogg, J. W.
Blennerhassett, A.	Holmes, Hon. W. A'C.
Boldero, H. G.	Hope, Hon. C.
Bradshaw, J.	Hope, G. W.
Bramston, T. W.	Hotham, Lord
Broadley, H.	Houldsworth, T.
Bruges, W. H. L.	Hughes, W. B.
Buck, L. W.	Hurt, F.
Buller, Sir J. Y.	Ingestre, Lord Visct.
Burroughes, H. N.	Ingham, R.
Calcraft, J. H.	Inglis, Sir R. H.
Canning, Rt. Hn. Sir S.	Jackson, Mr. Serjeant
Christopher, R. A.	Jones, J.
Chute, W. L. W.	Kelly, F.
Clive, Hon. R. H.	Kemble, H.
Cole, Hon. A. H.	Kilburne, Lord Visct.
Colquhoun, J. C.	Knatchbull, Rt. Hon. Sir E.
Conolly, E.	Knight, H. G.
Cowper, Hon. W. F.	Law, Hon. C. E.
Cresswell, C.	Lefroy, Rt. Hon. T.
Dalrymple, Sir A.	Lincoln, Earl of
Darby, G.	Litton, E.
De Horsey, S. H.	Lockhart, A. M.
D'Israeli, B.	Lowther, Hon. Colonel
Douglas, Sir C. E.	Lowther, J. H.
Dowdeswell, W.	Lygon, Hon. General
Duffield, T.	Macaulay, T. B.
Dunbar, G.	Mackenzie, T.
Duncombe, T.	Mackenzie, W. F.
Duncombe, Hon. A.	Mackinnon, W. A.
Du Pre, G.	Maclean, D.
East, J. B.	Manners, Lord C. S.
Eaton, R. J.	Master, T. W. C.
Egerton, W. T.	Meynell, Captain
Egerton, Sir P.	Miles, P. W. S.
Farnham, E. B.	Miller, W. H.
Feilden, W.	Mordaunt, Sir J.
Fellowes, E.	Morpeth, Lord Visct.
Ferguson, Sir R. A.	
Fitzpatrick, J. W.	
Fremantle, Sir T.	

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Neeld, Joseph
Nicholl, J.
Norreys, Lord
Owen, Sir J.
Packe, C. W.
Pakington, J. S.
Palmer, R.
Palmerston, Ld. Visct.
Parker, M.
Parker, T. A. W.
Peel, Rt. Hon. Sir R.
Pemberton, T.
Perceval, Hon. G. J.
Philips, G. R.
Pigot, R.
Plumptre, J. P.
Polhill, F.
Praed, W. T.
Pringle, A.
Rae, Rt. Hon. Sir W.
Rice, Rt. Hon. T. S.
Richards, R.
Rickford, W.
Rolfe, Sir R. M.
Rolleston, L.
Round, C. G.
Round, J.
Rushbrooke, Colonel
Russell, Lord J.
Shaw, Rt. Hon. F.
Sheppard, T.
Shirley, E. J.
Slaney, R. A.
Smith, A.
Smyth, Sir G. H.
Spry, Sir S. T.
Stanley, Hon. E. J.
Stanley, E.
Stanley, Lord
Stanley, M.
Stormont, Lord Visct.
Sturt, H. C.
Style, Sir C.
Sugden, Rt. Hn. Sir E.
Teignmouth, Lord
Thomas, Colonel H.
Thomson, Right Hon. C. P.
Thompson, Alderman
Townley, R. G.
Tyrell, Sir J. T.
Vere, Sir C. B.
Verner, Colonel
Vivian, J. E.
Waddington, H. S.
Whitmore, T. C.
Williams, R.
Wilmot, Sir J. E.
Winnington, T. E.
Wodehouse, E.
Wood, Sir M.
Wood, Colonel T.
Wyndham, W.
Yates, J. A.
Young, J.
Young, Sir W.

Tellers.

Mahon, Lord Visct.
Smith, V.

NOES.

Abercromby, Hn. G. R.
Aglionby, H. A.
Aglionby, Major
Ainsworth, P.
Alcock, T.
Alston, R.
Andover, Lord Visct.
Archbold, R.
Attwood, T.
Bainbridge, E. T.
Barnard, E. G.
Barron, H. W.
Beamish, F. B.
Bewes, T.
Blackett, C.
Blake, M. J.
Blake, W. J.
Bodkin, J. J.
Bolling, W.
Bowes, J.
Brabazon, Sir W.
Bridgeman, H.
Briscoe, J. I.
Brocklehurst, J.
Brodie, W. B.
Brotherton, J.
Browne, R. D.
Brownrigg, S.
Busfeild, W.
Campbell, Sir J.
Cavendish, Hon. C.
Cavendish, Hon. G. H.
Cayley, E. S.
Chapman, Sir M. L. C.
Chester, H.
Chichester, J. P. B.
Clay, W.
Clements, Lord Visct.
Codrington, Admiral
Collier, J.
Collins, W.
Courtenay, P.
Craig, W. G.
Crawford, W.
Curry, Mr. Serjeant
Duff, J.
Dundas, C. W. D.
Dundas, Hon. J. C.
Dundas, Sir R.
Dungannon, Ld. Visct.
Edwards, Sir J.
Elliot, Hon. J. E.
Ellice, Rt. Hon. E.
Ellis, W.
Euston, Earl of
Evans, G.
Evans, W.
Ewart, W.
Fielden, J.
Finch, F.
Fitzroy, Lord C.
Fleetwood, Sir P. H.
Fort, J.
Gibson, T. M.
Gillon, W. D.
Gordon, R.
Gore, O. J. R.
Gore, O. W.
Greenaway, C.
Grey, Rt. Hon. Sir G.
Grosvenor, Lord R.
Guest, Sir J.
Hall, Sir B.
Heathcoat, J.
Hector, C. J.
Heneage, E.
Hindley, C.
Hobhouse, T. B.
Howard, F. J.
Howard, P. H.
Howick, Lord Visct.
Hume, J.
Hutt, W.
Hutton, R.
James, W.
Jenkins, Sir R.
Johnson, General
Kinnaird, Hon. A. F.
Labouchere, Rt. Hon. H.
Langdale, Hon. C.
Leader, J. T.
Loch, J.
Lushington, C.
Lushington, Rt. Hn. S.
Macleod, R.
Macnamara, Major
Marshall, W.
Marsland, H.
Martin, T. B.
Maule, Hon. F.
Miles, W.
Molesworth, Sir W.
Moreton, Hon. A. H.
Morris, D.
Murray, A.
Norreys, Sir D. J.
O'Brien, W. S.
O'Callaghan, Hon. C.
O'Connell, D.
O'Connell, John
O'Connell, M. J.
O'Connell, Morgan
O'Conor Don
Paget, F.
Palmer, C. F.
Parker, J. (Sheff.)
Parker, R. T.
Parrott, J.
Pattison, J.
Pendarves, E. W. W.
Philips, M.
Phillpotts, J.
Pryme, G.
Redington, T. N.
Rice, E. R.
Roche, W.
Roche, Sir D.
Rumbold, C. E.
Rundle, J.
Russell, Lord C.
Rutherfurd, Rt. Hn. A.
Salwey, Colonel
Sandon, Lord Visct.
Scarlett, Hon. J. Y.
Scholefield, J.
Scrope, G. P.
Sharpe, General
Sinclair, Sir G.
Somers, J. P.
Stanley, W. O.
Stansfield, W. R. C.
Steuart, R.
Stewart, James
Stuart, Lord J.
Stuart, W. V.
Stock, Dr.
Strickland, Sir G.
Strutt, E.
Talbot, C. R. M.
Tancred, H. W.
Turner, E.
Turner, W.
Vigors, N. A.
Villiers, Hon. C. P.
Vivian, J. H.
Vivian, Right Hon. Sir R. H.
Wakley, T.
Wallace, R.
Ward, H. G.
Westenra, Hon. H. R.
Williams, W.
Williams, W. A.
Wood, C.
Wood, G. W.
Wynn, Rt. Hon. C. W.
Wyse, T.

Tellers.

Warburton, H.
Wilde, Mr. Serjeant.

Main question put, and agreed to, "1. Resolved, that it is the opinion of this House, that, under the special circumstances of the case of Stockdale *v.* Hansard, it is not expedient to adopt any proceedings for the purpose of staying the execution of the judgment."

Motion made, and question put, "That this House, considering the power of publishing such of its Reports, votes, and proceedings, as it shall deem necessary or conducive to the public interests, an essential incident to its constitutional functions, will enter into the consideration of such measures as it may be advisable to take, in consequence of the recent judgment of the Court of Queen's Bench, for the maintenance and protection of that power, so soon as the committee shall have made that full and complete report on this important matter, which they have

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declared it to be their intention to make in the commencement of their Second Report."

SIR R. H. INGLIS. — At this late hour, and particularly as this resolution has been fully discussed with the former, I shall not detain the House with any observations upon it. I will state my objection to it in one sentence, — namely, that this resolution postpones, perhaps till the year 1842, any ulterior proceedings with reference to this subject. On these grounds I shall meet it with a negative.

Mr. HUME. — I shall be glad if any member of the committee can inform me when it is probable that any ulterior measure will be brought forward; because, whilst the present state of things continues, it is obvious that it will be necessary to put an end to all printing on the part of this House. If the House is not able to defend its own servants in the publication and distribution of its own printed papers, it will at least be well, that no further legal expense should be incurred, and that the House should bend its neck at once to the yoke imposed upon it. I regard this as the commencement of a course of humiliation, at once disgraceful and degrading to the House of Commons. I hope, therefore, that some member of the committee will favour the House with an opinion — or, at least, a guess — as to when it is probable that ulterior measures will be introduced?

LORD JOHN RUSSELL.—Of course, I cannot give a positive answer, on the part of the committee, to the Honourable Gentleman's question; but I see no reason why there should be any long delay in the preparation and introduction of a measure in conformity with what appears to be the general view of the House. At the same time, it will be competent for any Honourable Member to give notice, to-morrow, for leave to bring in a Bill upon the subject, without waiting for the Report of the committee. I am sorry that the Honourable Member for Kilkenny feels himself so much humiliated; but I do not see how the Honourable Member's humiliation can be increased by assenting to the course now proposed and approved of by the majority of the House.

Mr. HUME. — I beg to say that I have no share in the humiliation which must be felt, or at least ought to be felt, by the majority of the House. I have before observed, that this proceeding is likely to drag the House into the mud. The House may now be said to be struggling in the very depths of the quagmire.

The House divided: — Ayes 133; Noes 36; — Majority for the resolution 97.

AYES.

Acland, T. D.	Lincoln, Earl of
A'Court, Captain	Litton, E.
Aglionby, H. A.	Loch, J.
Alsager, Captain	Lockhart, A. M.
Archbold, R.	Lushington, Rt. Hn. S.
Baring, H. B.	Macaulay, T. B.
Barrington, Lord Visct.	Mackenzie, W. F.
Beamish, F. B.	Macleod, R.
Bentinck, Lord G.	Mahon, Lord Viscount
Bethell, R.	Marshall, W.
Blake, W. J.	Maule, Hon. F.
Blennerhassett, A.	Morpeth, Lord Visct.
Boldero, H. G.	Nicholl, J.
Bramston, T. W.	O'Conor Don
Bridgeman, H.	Packe, C. W.
Brotherton, J.	Pakington, J. S.
Bruges, W. H. L.	Palmer. C. F.
Buller, Sir J. Y.	Palmerston, Ld. Visct.
Busfeild, W.	Parker, R. T.
Campbell, Sir J.	Parrott, J.
Cayley, E. S.	Peel, Rt. Hon. Sir R.
Cole, Hon. A. H.	Pendarves, E. W. W.
Cowper, Hon. W. F.	Philips, M.
Curry, Mr. Serjeant	Pigot, D. R.
De Horsey, S. H.	Praed, W. T.
Douglas, Sir C. E.	Pringle, A.
Dunbar, G.	Pryme, G.
Duncombe, T.	Rice, Rt. Hon. T. S.
Duncombe, Hon. A.	Richards, R.
Dungannon, Lord Vt.	Roche, W.
Egerton, Sir P.	Round, C. G.
Evans, W.	Round, J.
Ewart, W.	Rundle, J.
Fellowes, E.	Russell, Lord J.
Ferguson, Sir R. A.	Rutherfurd, Rt. Hn. A.
Finch, F.	Salwey, Colonel
Gibson, T. M.	Scarlett, Hon. J. Y.
Gordon, R.	Shaw, Right Hon. F.
Goulburn, Rt. Hon. H.	Sheppard, T.
Grey, Rt. Hon. Sir G.	Stanley, E.
Grimsditch, T.	Stanley, Lord
Hale, R. B.	Stanley, M.
Hardinge, Right Hon. Sir H.	Stansfield, W. R. C.
	Stewart, James
Hepburn, Sir T. B.	Stuart, W. V.
Herries, Rt. Hn. J. C.	Stock, Dr.
Hobhouse, Right Hon. Sir J.	Strickland, Sir G.
	Strutt, E.
Hodgson, F.	Style, Sir C.
Hodgson, R.	Sugden, Right Hon. Sir E.
Holmes, Hon. W. A'C.	
Hope, Hon. C.	Teignmouth, Lord
Hope, G. W.	Thomson, Right Hon. C. P.
Howard, P. H.	
Howick, Lord Visct.	Townley, R. G.
Hughes, W. B.	Turner, W.
Hume, J.	Verner, Colonel
Hutt, W.	Vigors, N. A.
Hutton, R.	Waddington, H. S.
Jackson, Mr. Serjeant	Wallace, R.
Kilburne, Lord Visct.	Ward, H. G.
Kinnaird, Hon. A. F.	Whitmore, T. C.
Knight, H. G.	Wilde, Mr. Serjeant
Labouchere, Rt. Hon. H.	Williams, W. A.
	Winnington, T. E.
Langdale, Hon. C.	Wodehouse, E.

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Wood, C.	Young, J.
Wood, G. W.	
Wyndham, W.	*Tellers.*
Wynn, Rt. Hon. C. W.	Parker, J.
Wyse, T.	Smith, V.

NOES.

Bagge, W.	Hinde, J. H.
Bainbridge, E. T.	Ingham, R.
Baring, Hon. W. B.	Knatchbull, Rt. Hon. Sir E.
Barneby, J.	Law, Hon. C. E.
Blackstone, W. S.	O'Connell, D.
Blandford, Marquess of	O'Connell, John
Bradshaw, J.	O'Connell, M. J.
Burroughes, H. N.	Perceval, Hon. G. J.
Christopher, R. A.	Pigot, R.
Chute, W. L. W.	Plumptre, J. P.
Darby, G.	Redington, T. N.
D'Israeli, B.	Rushbrooke, Colonel
Dundas, C. W. D.	Stormont, Lord Visct.
Du Pre, G.	Talbot, C. R. M.
East, J. B.	Williams, R.
Egerton, W. T.	
Freshfield, J. W.	
Gillon, W. D.	*Tellers.*
Halford, H.	Inglis, Sir R. H.
Hawkes, T.	Kelly, F.
Heathcote, Sir W.	

The resolution was then agreed to.

WINDSOR CASTLE STABLES BILL.—IMPRISONMENT FOR DEBT BILL.

Severally read a third time, and passed.

JAMAICA BILL.

LORD JOHN RUSSELL.—I now beg to move that the third reading of the Jamaica Bill be deferred till Wednesday next, on which day I propose that it shall take precedence of the other Orders of the Day.

Agreed to.

SUGAR DUTIES BILL.

The CHANCELLOR of the EXCHEQUER.—I move that the second reading of the Sugar Duties Bill be deferred till to-morrow.

Mr. HUME.—I beg, now, to give notice that, in the committee on this Bill, I shall move to strike out all the clauses empowering the Chancellor of the Exchequer to pledge the revenue arising from those duties for the purpose of borrowing money on Exchequer bills.

The CHANCELLOR of the EXCHEQUER.—The power given by those clauses has never been exercised by me.

Motion agreed to.

ELECTORS' REMOVAL BILL.

Deferred till to-morrow.

BANKRUPTS (IRELAND) BILL.

Further consideration of Report deferred till Wednesday.

WAYS AND MEANS.

Committee deferred till Wednesday.

REGISTRATION (COURT OF APPEAL) BILL.

Second reading deferred till Wednesday.

COPYHOLDS ENFRANCHISEMENT BILL.

Third reading deferred till Monday next.

STANNARIES COURTS (CORNWALL) BILL.

Second reading deferred till Friday.

PRISONS. BILL.

Third reading deferred till Thursday.

METROPOLITAN POLICE COURTS BILL.

Committee deferred till Thursday.

FACTORIES BILL.

Committee deferred till Monday, the 1st of July.

ELECTION PETITIONS TRIAL BILL.

Committee deferred till Friday.

SHANNON NAVIGATION BILL.

The CHANCELLOR of the EXCHEQUER.—In moving for leave to bring

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in a Bill for the improvement of the navigation of the Shannon, I will merely state that the Bill is founded on the Report of commissioners appointed by the House, and under the special provisions of an Act of Parliament directing the mode of proceeding. I have now fulfilled my pledge, that the House should not be called on to legislate on this subject until the whole amount of the expense to be incurred should be known, especially as to the matter of compensation to be awarded to private parties. The amount claimed under this head was about half a million; but it has been reduced, now, to something like 14,000*l*. If we had gone on in the ordinary way, — that is, of referring the several cases to juries to decide, the cost would undoubtedly have been much greater, although, perhaps, still considerably below the amount claimed. My object in now introducing the Bill is, that Honourable Members may have an opportunity of considering its provisions before the second reading. I now beg to move for leave to bring in a Bill for the improvement of the river Shannon.

Upon the question being put,—

Mr. HUME said: — I think that an important Bill like this should not have been deferred till this late period of the Session. I understand that the prorogation is to take place on the 15th of next month; and it is quite impossible that this Bill can pass before that time.

The CHANCELLOR of the EXCHEQUER. — I trust I shall be enabled to pass it through before the end of the Session, for I cannot anticipate that any opposition will be offered.

The motion was then agreed to. Bill ordered to be brought in by the CHANCELLOR of the EXCHEQUER and LORD VISCOUNT MORPETH. Bill subsequently presented, and read a first time; to be read a second time on Friday, and to be printed.

PUBLIC WORKS (IRELAND).

On the motion of the CHANCELLOR of the EXCHEQUER, Acts relating thereto read, and Bill to amend the same ordered to be brought in by Mr. CHANCELLOR of the EXCHEQUER and LORD VISCOUNT MORPETH.

PAPERS, &c.

Merchant Seamen. — On the motion o Mr. INGHAM, Return ordered,—

From president and governors of the corporation for the relief of seamen in the merchant service at the port of London, and the several outports under their management, of the gross amount of pensions paid to each of the three classes of disabled seamen, widows, and children, and of the rates of pensions and number of pensioners in each class, in the last year for which the Return can be made.

Master of the Queen's Bench. — Certificate of the necessity of retaining the full number of five Masters in the court, presented (by Act). — To lie on the table, and to be printed.

Commissary Clerk (Edinburgh). — Return (presented 6th of February).

School of Design.—Account (presented 12th of June).

Severally ordered to be printed.

Adjourned at two o'clock.

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HOUSE OF LORDS, MARTIS, 18° DIE JUNII, 1839.

APPEALS.

Abernethie *v.* Forbes (or Gordon). — Further heard, and adjourned to Thursday next.

Spears *v.* The King (writ of error). — Considered, and reversed.

Hart *v.* Frame. — Considered, and interlocutors affirmed, with costs.

Commissioners of Police of Edinburgh *v.* Mitchell. — Set down for hearing *ex parte*.

Lord Dunglas *v.* Duke of Argyll. — Petition of the appellant for further time to lodge cases.

Kerr *v.* Cochran, *et è contra*. — Petition of the respondent in the original appeal for leave to lodge cases.

Read, and referred to the Appeal Committee.

LORD CREMORNE'S CLAIM TO VOTE FOR REPRESENTATIVE PEERS FOR IRELAND.

Committee for Privileges met; counsel heard; witnesses examined; and the committee resolved, "That his Lordship had made out his claim; and report thereof to be made to the House."

MARCHMONT PEERAGE.

Committee for Privileges met; witnesses examined; and committee adjourned *sinè die*.

TRACY PEERAGE.

Committee for Privileges met; witnesses examined; and committee adjourned *sinè die*.

EARL OF GALLOWAY'S ESTATE BILL.

Read a third time; amendments made; passed, and sent to the Commons.

PEMBERTON'S DIVORCE BILL.

Order of the Day for the House to be put into committee, and the Lords summoned, read: House in committee accordingly, and went through the Bill, with an amendment; the report thereof to be received on Thursday next.

COODE'S DIVORCE BILL.

Returned from the Commons, agreed to.

ALEXANDER HENRY AUGUSTUS JOHN DE ST. GEORGE, COUNTE DE ST. GEORGE.

A Bill for naturalising, was (on petition) presented, and read a first time.

House adjourned during pleasure, and resumed by the EARL of SHAFTESBURY.

House adjourned during pleasure, and resumed by the LORD CHANCELLOR.

ABERDEEN MARKETS AND IMPROVEMENT (No. 1.) BILL. — FRASERBURGH HARBOUR BILL.

Read a third time, and passed.

CROYDON AND MERSTHAM RAILWAY COMPANY DISSOLUTION BILL. — WEST CROFT CANAL BILL.

Read a second time, and committed for Thursday next.

DOUBLE AND TREBLE COSTS BILL. — BILLS OF EXCHANGE BILL. — IMPRISONMENT FOR DEBT ACT AMENDMENT BILL.

Brought from the Commons; read a first time and to be printed.

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TYNE DOCKS BILL.

Read a second time, and committed for Friday next.

WINDSOR CASTLE STABLES BILL.

Brought from the Commons; read a first time; to be printed, and to be read a second time on Thursday next.

WISHAW AND COLTNESS RAILWAY BILL.

The Lord Dunsany added to the committee, in the place of the Viscount Sydney.

SAWMILL FORD BRIDGE AND ROAD BILL. — EDINBURGH, LEITH, AND NEWHAVEN RAILWAY BILL.

Reported specially, without amendment.

WATERFORD FEVER HOSPITAL BILL.

House in committee (according to order); Bill reported, without amendment; and to be read a third time on Thursday next.

NOTTINGHAM COMMON FIELDS INCLOSURE BILL.

Returned from the Commons, with the amendments agreed to.

POSTAGE.

The Duke of Somerset, Lord Godolphin, and Lord Brougham presented petitions for reduction of the rate of, — of the deacon, convener, collector, and other members of the Trades House of Glasgow: of students under care of the General Synod of Ulster: and of inhabitants of Edenderry, Ballysillan, and Ligoniel; Whittlesford; Belturbet; Moy; and Maidstone. — Read, and ordered to lie on the table.

PRINTING OF THE BIBLE (SCOTLAND).

Lord Brougham presented a petition praying that the exclusive privilege enjoyed by the Queen's printers for Scotland of printing the Bible may be discontinued, — of the president, vice-presidents, and other directors of the Glasgow Association for promoting Religious Liberty. — Read, and ordered to lie on the table.

IMPRISONMENT FOR DEBT.

The EARL of WICKLOW. — I am anxious to put a question to the Noble and Learned Lord on the woolsack. The Noble and Learned Lord will recollect that, in the discussion on the Bill — the Imprisonment for Debt Bill — which was passed last Session of Parliament, I expressed a wish that its provisions, or provisions of a similar character, should be extended to Ireland. I was, however, told that, in consequence of the difference between the existing law in the two countries, that Bill could only be applicable to England. But I understood the Noble and Learned Lord, at the same time, to throw out a promise, that if he saw th principle of the new law operate beneficially, here (saying nothing of the details), he would let the subject stand over, with a view to the introduction of a Bill of the same nature for Ireland. I do not know anything of the working of the measure in this country. I cannot say whether it is or is not an improvement of the law. I, however, presume that it is an improvement. But I think that the principle of the Bill ought to be adopted with reference to Ireland — and that the law should be assimilated as much as possible in the two countries. I therefore beg to ask, whether the Noble and Learned Lord means to introduce a measure of this nature for Ireland?

The LORD CHANCELLOR. — The delay has arisen in consequence of the difficulty of arranging the details, as the law varies considerably in the two countries. The law authorities are, however, favourable to such a Bill. Your Lordships, however, must be aware that no measure of this kind can be perfected in the present Session.

APPORTIONING SPIRITUAL SERVICES BILL.

The Bishop of Exeter presented a Bill for apportioning the spiritual services of parishes in which two or more spiritual persons have cure of souls generally throughout the parish. — Read a first

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time; to be printed, and to be read a second time on Monday next.

BEER ACT.

On the motion of LORD ELLENBOROUGH, ordered — Copies of the answers received by the commissioners appointed to inquire as to the best means of establishing an efficient constabulary force, to the following query, circulated by them to magistrates in petty sessions and the guardians of unions: — "Are the beer-shops or public houses within your division the subject of complaint? and are they, in point of fact, ill conducted?"

And on the motion of LORD ELLENBOROUGH, the clerk assistant was ordered to prepare — "a Return showing the number of petitions against the Beer Act presented to the House in this Session and in the years 1837 and 1838, from magistrates in quarter sessions, magistrates in petty sessions, boards of guardians, inhabitants of parishes and towns, and bodies of individuals, respectively."

BEER ACT IN PART REPEAL BILL.

LORD BROUGHAM. — My Lords, with respect to the measure which was under discussion last night, an objection has been raised that it contains certain fiscal regulations, and therefore cannot be brought forward in your Lordships' House, and will necessarily be objected to in the other House of Parliament. Now, I have considered the subject thoroughly, and there is no doubt on my mind that, with the strictest attention to the privileges of the other House, it is perfectly competent for the House of Lords to pass such a measure.

THE MILLION LOAN (IRELAND.)

VISCOUNT DUNCANNON. — The Noble Marquess opposite (the Marquess of Westmeath), last night, put a question to me, respecting an advance of 100,000*l.* by the ecclesiastical commissioners to the Board of Works in Ireland, out of the Million Loan Fund. In explanation, I beg to inform the Noble Marquess that, on application being made, the 100,000*l.* will be paid to the commissioners, with interest. As to the amount to be advanced to the clergy being at the rate of 75 per cent., I am not aware that any official statement has been made, that authorises the assumption of such being the amount.

The EARL of WICKLOW. — This money was, in the first instance, advanced for the relief of the Irish clergy; and if the sum thus lent to the Board of Works be not applied to the purpose for which it was originally intended, it will be a direct robbery of the clergy to the amount of 100,000*l.*

LORD ELLENBOROUGH. — Nearly five years have elapsed since the Church Temporalities Bill was passed, and the working of that Act has been exactly what I predicted it would be, at the time: that part of the measure to which this advance relates is an entire failure.

RULES OF PROCEEDINGS (BOROUGH COURTS) (No. 2.) BILL.

House in committee (according to order); Bill reported, without amendment; to be ingrossed, and to be read a third time on Thursday next.

NATIONAL EDUCATION.

The MARQUESS of LANSDOWNE presented a petition in favour of the first plan recommended by the Privy Council, — of inhabitants of Warminster. — Read, and ordered to lie on the table.

BANKRUPT LAWS.

The LORD CHANCELLOR presented a Bill "for the better Protection of Parties dealing with Persons liable to the Bankrupt Laws." — Read a first time; to be printed, and to be read a second time on Friday next.

COURT OF COMMON PLEAS.

The LORD CHANCELLOR presented a Bill "to regulate the Course of Proceeding in the Court of Common Pleas, so far as relates to the Practice and Hearing of Counsel therein in Term Time." — Read a first time; to be printed, and to be read a second time on Friday next.

COLONIES LEGISLATION BILL.

Committee (which stood appointed for this day) put off to Friday next.

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EDUCATION BILL.

Second reading (which stands appointed for Friday next) put off to Monday next; and the Lords summoned.

BEER ACT IN PART REPEAL BILL.

Recommitment (which stands appointed for Monday next) put off to Tuesday next; and the Lords summoned.

VOTE BY BALLOT.

Petition in favour of, — of inhabitants of Shrewsbury. — Read, and ordered to lie on the table.

SPIRITS ACT (IRELAND).

Petition for alteration of, — of grocers of Kilrush. — Read, and ordered to lie on the table.

NATIONAL EDUCATION.

Petitions against the plan recommended by the Privy Council, — of inhabitants of Langham; and Swanton Morley. — Read, and ordered to lie on the table.

MESSAGE TO THE COMMONS OF THIS DAY.

The Masters reported, That the Commons will send an answer by messengers of their own.

MESSAGE TO THE COMMONS,

For — Copy of Report from the Select Committee of the House of Commons appointed in the present Session to inquire into the State of Communication by Railways; together with the minutes of evidence, and appendix thereto.

SELECT COMMITTEE ON THE STATE OF IRELAND IN RESPECT OF CRIME.

The Lord Bloomfield sworn at the table, to give evidence before the committee.

PAPERS.

Return of the number of causes standing for hearing before the Lord Chancellor, the Vice Chancellor, and the Master of the Rolls, on the 1st of June, 1839, including exceptions, further directions, pleas, and demurrers. — Delivered (pursuant to order of the 7th instant), and to be printed.

Copy of correspondence between the Marquess of Normanby, Sir John Stoddart, the commissioners of inquiry, and the Governor of Malta, respecting Sir John Stoddart's claim for compensation. — Delivered (pursuant to Address of the 6th instant), and to be printed.

Copy of examinations by the clerk of the Westbourne union in the case of Thomas Coombs, and a statement of the circumstances relating thereto: And, also,

Copy of Report by the Right Honourable T. Frankland Lewis to Lord John Russell, dated 27th November, 1838, on the subject of some letters purporting to be signed by Mr. Day, a member of the board of guardians of the parish of St. George the Martyr, Southwark, printed in a public journal, wherein the Poor Law Commissioners are charged with a fraudulent representation of the average expenditure of the parish for the three years previous to the 25th of March, 1835.

Severally delivered (pursuant to order of Thursday last), and to be printed.

Adjourned.

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HOUSE OF COMMONS.

PRIVATE BUSINESS.

Allison's Divorce Bill. — Read a second time, and committed for Wednesday, the 26th of June; instructions for counsel and witnesses.

Coode's Divorce Bill. — Read a third time, and passed.

Bristol and Gloucestershire Railway Bill; West Croft (Nottingham) Inclosure Bill. — Lords' amendments agreed to.

Black Quarry (or Anniesland) Road Bill. — Reported; Report to lie on the table.

South Eastern Railway (No. 2.) Bill. — Report further considered (prints having been delivered upon Tuesday, the 11th of June); amendments agreed to; Bill to be ingrossed.

Earl of Galloway's Estate Bill. — Read a first time; to be read a second time.

PUBLIC BUSINESS.

MESSAGE FROM THE LORDS,

That they have agreed to — Aberdeen Market and Improvements (No. 1.) Bill; Fraserburgh Harbour Bill, without amendment.

That they have passed a Bill, intituled, "An Act to enable Randolph Earl of Galloway, or the Heir in possession of the Entailed Estates of Garlies Baldoon, Newton Stewart, and others, in the County of Wigton and Stewartry of Kirkcudbright, to reclaim certain sleechy Ground on the Shores of the said Estates, and to drain and improve the Moss of Cree, Part thereof, and to burthen the said Estates partially, and the reclaimed and improved Land, with the Expense; and also to burthen the said Estates with certain Expenses incurred by the said Earl in improving the same."

That they do request, That this House will be pleased to communicate to their Lordships a copy of the Report made from the Select Committee appointed by this House in the present Session of Parliament to inquire into the State of Communication by Railways, together with the minutes of evidence, and appendix thereto. — House will send an answer.

CARLOW ELECTION.

House informed, That the committee met this morning, pursuant to their adjournment of yesterday, when the chairman received a letter from John Brocklehurst, Esquire, one of the members of the committee, informing the committee, that, having received intelligence of the death of his father, he desired to be excused from further attendance upon the committee.

Entries in Journal of 14th of June, 1820, in the case of the Bridport election, and of 20th of February, 1827, in the case of the Ilchester election, read: — Mr. Brocklehurst excused for not attending this day, and from any further attendance upon the committee.

SHIPWRECKS OF TIMBER SHIPS COMMITTEE.

Power to report observations, with minutes of evidence.

Report brought up, and read. — To lie on the table, and to be printed.

MISCELLANEOUS PETITIONS.

The following petitions were severally presented, and ordered to lie on the table; namely, —

Postage, — By Mr. DUNBAR, Mr. M. PHILIPS, Mr. HUME, Mr. CRAWFORD, CAPTAIN PECHELL, and other Honourable Members, for a low and uniform rate, — from Uxbridge; Falmouth; Bucks Association of Baptist Churches (chairman); Chepping Wycombe; Aylesbury; Edenderry, &c.; Kentchester: persons employed by John Muith, Albany Street, Regent's Park; Frederick Wilson and Co., Thames Street; Kidd and Co., Tottenham Court Road; Thomas Lindfield, Stanhope Street, Hampstead Road; Miles

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and Edwards, Oxford Street; Sarah Marks and Son, Langham Place; William Miller Christy, Fairfield Mills; White and Greenwell, Blackfriars Road; J. and E. West, Great Marylebone Street; Emanuel Cooper and Co., Castle Street, Southwark; E. and J. Lawford, Drapers' Hall; Hankeys and Co., Mincing Lane; Robert and Benjamin Brown and Co., Cheapside; John Bowler and Sons, Bridge Road, Southwark; Gill and Charlesworth, Wood Street; I. W. Borradaile, Fenchurch Street; W. Borradaile, Sons, and Ravenhill, Fenchurch Street; Wilde and Co., College Hill, London; Jasper Wightman, Bread Street; Arkell and Co., Mark Lane; Bowman and May, Wood Street; William Stanley, Carthusian Street; William Eaton, Jewin Crescent; T. I. Richards, Orchard Street, St. Luke's; John Cragg, President Street East; Warner and Sons, Jewin Crescent; Smith and Fenn, Aldersgate Street; Wood and Sharwood, Aldersgate Street; Hector Baxter, Bartholomew Close; Charles Collinge, Bartholomew Close; John Davison, Jewin Crescent; Smith and Son, Albion Buildings; Holmes and Aubert, Little Britain; Clay and Son, Skinner Street; J. Sanderson, Silver Street; William Ford, Wood Street; Partridge and Price, Cheapside; Watts and Harton, Shoe Lane; Howard and Co., Old Street, St. Luke's; William Whitelock, Northampton Street; Mr. Fowler, St. John Street; Robert Parry, Golden Lane; Burls and Co., Little Love Lane; Brettle and Co., Wood Street; Baker and Co., Lawrence Lane; Truman, Hanbury, Buxton, and Co., Brick Lane: Collessie; Forgan; Wemyss; Newton (Falkland); Balmerino; Abdie; Kilkenny; Llanrwst; Mitchel Dean; Monimail; Neath; Cupar (moderator and clerk); Brighton; Dunbog; St. Marylebone; Droylesden; Chorlton upon Medlock; Blewbury; London; Samuel Wood and others; John Eldred and others; Hammersmith; and King's Cople.

Church Establishment (Canada, &c.), — By Mr. CODRINGTON, — from Brockthorpe, for extension.

Maynooth College,—By SIR W. HEATHCOTE, against further grant, — from Manchester and Salford; and Blendworth.

Roman Catholic Relief Act, — By SIR W. HEATHCOTE, — from Blendworth, for repeal.

Brazilian Coffee, Sugar, &c., — By SIR H. PARNELL, — from Liverpool, for reduction of duty.

Merchant Seamen's Act, — By SIR E. CODRINGTON, — two petitions of master mariners and seamen of the mercantile marine, for amendment, and for inquiry into the appropriation of the funds.

Also, of master mariners, mates, and seamen of the mercantile marine.— To be printed.

Queen's Printer (Scotland), — By Mr. HUME, — from Dunse, against renewal of the patent for printing Bibles.

Church and State (Ireland), — By Mr. HUME, — from Blackrath, for separation.

Frederic N. S. Thomas, — By Mr. LEADER, — of Henry Cornelius Thomas, complaining of the verdict in the case of Frederic Nicholas Somers Thomas, for stealing, and praying for inquiry.

Church of Scotland, — From Houndwood, for extension.

Aliens, — By Mr. O'CONNELL, — of several foreigners, for repeal of the Act 32 Hen. VIII., whereby aliens, being artificers or handicraftsmen, are deprived of the privilege of becoming leaseholders, and voting for Members of Parliament.

Spirit Dealers (Ireland), — By Mr. POWER, — from Wexford, for permitting the sale of spirits in Ireland by grocers.

Fisheries (Ireland), — By Mr. POWER, — from Kilgarvin and Kinmair, for protection.

Imprisonment for Debt Act Amendment Bill, — Of George Robert Skene, in favour.

Black Sea Trade,—Of the chairman of the Chamber of Commerce of Newcastle upon Tyne, for establishing freedom of commerce between Great Britain and Circassia.

Ballot, — By COLONEL SALWEY, SIR G. STAUNTON, Mr. SERJEANT TALFOURD, Mr. H. BERKELEY, Mr. AGLIONBY, Mr. STEWART, SIR E. L. BULWER, Mr. HANDLEY, Mr. PRYME, CAPTAIN PECHELL, SIR G. STRICKLAND, E. B. CLIVE, LORD C. FITZROY, and Mr. C. ELLICE, Junior, in favour, — from Stamford; Shrewsbury; Ludlow; Portsmouth (four petitions); Beverley; Knaresborough; Reading; Bristol; Cockermouth; Honiton; Brighton; Hereford; Lincoln; Cambridge; Bury

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St. Edmund's; Tadcaster; Settle; Tenbury; Westbury; Lyme Regis; Leominster; Taunton Ballot Association (chairman); Moreton in Marsh; and Anthony Marmion.

By Mr. ACLAND, — from the chairman of the Lancaster Conservative Heart of Oak Club, against.

Education, — By CAPTAIN ALSAGER, Mr. BRADSHAW, SIR W. HEATHCOTE, LORD F. EGERTON, LORD G. SOMERSET, and SIR J. Y. BULLER, against the proposed scheme,—from Lighthorne; Southwark; Leamington Priors; Canterbury; Thorne; St. Margaret Pattens and St. Gabriel Fenchurch; Hickling and Over Broughton; Stratford upon Avon; Warwick; Hambledon; Bedwelty; Llandanwg and Llanbedr; Woodland; Guildford (two petitions); Chepstow; Adwell, &c.; Stafford; Bebington; Denbigh; and Swavesey.

By Mr. BLEWITT and Mr. LANGDALE, in favour of proposed scheme, — from Burton upon Trent; Beverley; Sirhowy Ironworks; and Tredegar.

County Courts Bill, — By Mr. CRESSWELL, — from Liverpool, against.

Also, in favour, — from Dodbrooke; and Kingsbridge.

Referred to the select committee on the Bill.

COMMERCIAL (LONDON AND BLACKWALL) RAILWAY BILL.

Report further considered (prints having been delivered upon Friday, the 14th of June); motion made, and question proposed, "That the amendments made by the committee to the Bill be now read a second time."

Mr. CRAWFORD. — I rise to oppose the further progress of this Bill, which, it will be in the recollection of Honourable Members, was likewise opposed on the second reading. Upon that occasion, it was opposed upon the ground that the promoters of it had been guilty of a breach of that faith upon which the Bill of 1836 was granted. By that Bill it was agreed that the railroad should terminate without entering the eastern boundary of the city of London. The first clause declared that the company should not lay down any rails within 600 feet of the boundary of the city; and the second, that they should not possess any land within the city of London. It was since decided, by a small majority of the House, that the Bill should be sent to a committee, with a view to give the parties concerned an opportunity of showing that they could make out a case for the rescinding of the agreement; and it is now my duty to show how far they have succeeded in making out such a case. In conformity with certain conditions stipulated in the Standing Orders of the House, in 1836, the parties state, in their declaration, that they have a sufficiency of funds for the proposed extension of the railway; but they say that those funds arise from two sources; one of which is, that the original plan of making the railway has been altered. The estimate, under that plan, was 600,000*l.*; they say that, under the altered plan, the whole expense will be defrayed by 465,000*l.*, leaving a surplus of 135,000*l.* applicable to the proposed extension line. Now, in the course of the inquiry before the committee, it was proved that as to the sum of 465,000*l.* a great number of expenses have been omitted; the amount of which must, of course, be deducted out of the 135,000*l.* Another part of the declaration is, that the company have the power of borrowing 200,000*l.*, — being the second source from which those funds are to be derived; whereas no such authority exists. These are facts which the committee should have specially reported; but they declined to do so, because it was urged by the parties to the Bill that the case having been before the Committee on Standing Orders, and having been considered by them, the committee on the Bill had nothing to do with it.

Before I can explain to the House the particulars of the extension sought for by the promoters of the Bill, it will be necessary for me to show what were the powers granted to the company by the Bill of 1836, and in what manner they have been departed from. Under that Bill there was to be a continuous line of arches forming a viaduct, over which the line was to run. It was to be of the width of 46 feet, and there were to be four lines of railroad. Since then the directors have taken it upon themselves to make these alterations; —they have reduced the width from 46 feet to 26 feet; there are now to be only two lines of railway, and it is proposed that these two lines are to be worked by means of a stationary engine, — a new attempt, which has never yet been made on any railroad in this country, and the practicability of which is unsupported, except by the testimony of one person. The gradients are entirely altered; and the promoters of the Bill say they will use neither locomotive power nor stationary power for carrying the communication

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into the city. They desire to go 415 yards into the city; but they say they will effect this by the power of *momentum;* that is, that the carriages shall, from travelling at the rate of twenty-seven miles an hour, receive such an *impetus* as will make them find their way, by a considerable ascent, to Fenchurch Street, where they are to stop, — an attempt which will be attended with danger, and is very likely to fail altogether. In returning, the carriages are to descend by the force of their own gravity. The distance of the proposed extension is 415 yards, and the rough estimate of the expense is 153,000*l.*, — that being at the rate of 370*l.* per yard. This, I think, is conclusive as to the value of the property to be destroyed: besides, there is a great amount of property scheduled, but not provided for by the company, valued at 361,000*l.*, which they claim a right to take, unprovided for as it is. In 1836, there were two contending parties, who had each a subscription list for 600,000*l.* — 12,000 shares at 50*l.*; with the consent of the committee these two parties joined, and made a list of 24,000 shares, at 25*l.*, — a smaller sum than has before been fixed for railway shares. The committee, however, imposed this restriction, — that all the subscriptions should be paid up before borrowing should be resorted to; and the effect of the "pocket" clause, which is now attempted to be brought in, will be to allow the company to borrow 200,000*l.* without that restriction, — a permission not given before. It was only by chance that this clause was discovered. At the half-yearly meeting which took place on the 30th of August last, a report was made by the directors to the proprietors, in which they stated that they were not allowed to borrow money until the whole of their subscribed capital was paid up; that that was an unusual restriction, and that they proposed to apply to Parliament to be relieved from it: and it further stated that, if they were so relieved, it would then be for the consideration of the proprietors whether there should be any further call, or not. Will the House sanction the borrowing of money under such circumstances? There is but one other observation which I shall make, and that is in reference to the position in which the railroad company now stands with the East and West India Dock Companies, as regards the use of the Brunswick Wharf. Up to this time the railway company have had no power of access to the wharfs on the River Thames. No authority has been given to the railroad company to embark or disembark passengers at the Brunswick Wharf; and yet such authority is now claimed. The promoters of the Bill have been asked, over and over again, to produce the agreement between the railway company and the East and West India Dock Companies; their counsel have consented to its production, but the promoters of the Bill have not thought proper to produce it. Under all these circumstances, I move, That the Report be taken into further consideration upon this day six months.

LORD TEIGNMOUTH. — Sir, I trust the House will bear with patience the few observations I have to make. I must say that I have heard the statements made by the Honourable Member with utter astonishment. In my opinion, ample reason has been given for allowing this Bill to pass. I sat for twenty-one days, four hours each day, on the committee on this Bill, in which neither myself nor my constituents have the slightest interest, and I was perfectly convinced that this railroad would prove a vast benefit to the community; such was my impartial opinion after having heard all the evidence. I shall therefore give it my most hearty concurrence. I hold in my hand a paper containing the whole of the figures taken before the committee, and they show clearly that there will be a surplus of 106,000*l.* in the hands of the company, — and that upon a very fair estimate. The Honourable Gentleman complains of some technicalities respecting the Standing Orders; but the committee on the Bill had nothing at all to do with the Standing Orders. He has quarrelled with the engineering accounts; but the committee had had before them some of the most eminent engineers in the country, and their estimates were given in such a clear and distinct manner as to prove perfectly satisfactory to the committee; while the only testimony my Honourable Friend has to rely upon, in opposition to it, is that of a Swedish engineer, who acknowledged that he knew nothing about railroads. The benefit to be derived from this railroad will be very great. With regard to the destruction of property, that will certainly take place to some extent; but that is a result common to all railroads. Nothing can prove the goodness of the plan more than the fact, that the expenditure has been below the estimate. If the *terminus* were to be at the Minories, the neighbouring streets must be crowded by the immense traffic which would be distributed in the neighbourhood; whereas the proposed *terminus* brings it up at once upon the spot at which it is to be distributed. The Honourable Gentleman

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complains of the annoyance to which the inhabitants will be exposed; but it has been clearly proved that there will be no excessive noise from the passing of the train. I shall give my cordial support to the Bill.

Mr. D. W. HARVEY. — Sir, having presented a petition signed by upwards of 400 inhabitants, owners, and occupiers of property in the immediate vicinity of the proposed line of railway, (which petition was ordered to be printed at the expense of the parties,) it becomes my duty to state the contents of their petition, and I feel great satisfaction in saying that the course I am pursuing is precisely that which I proposed on a former occasion; and it is essential I should say this, because the promoters of the Bill have incurred the serious expense of inserting in all the morning papers a long extract from some remarks which I made upon the first introduction of the Railway Bill. I was then the advocate of the railroad, because I felt the importance of clearing the Pool of the inconvenience occasioned, at present, by its being so crowded; and the company then got all they wanted — a line from Blackwall to the Minories; but now they are asking to bring it into the heart of the city of London. They obtained a Bill to clear the Pool of all these inconveniences; and yet now, in 1839, they have scarcely done anything towards its accomplishment. Why this delay? Because they had not, till now, matured the plan of combination, then flitting before their eyes, of bringing two important bodies into co-operation; but they have now secured the direct co-operation of the East and West India Dock Companies, — the latter of which companies has purchased the East India Company's warehouses in Fenchurch Street. The object of the Bill is, at this time, to establish a monopoly of conveyance from the Blackwall Docks to Fenchurch Street. The petitioners call upon the House to preserve their property from wanton violation. The original Report of the committee was, that a *terminus* on the eastern side of the Minories would be a complete *terminus* for their purpose. Was there any evidence given before the committee, to show that persons who were expected to use the railroad, would use it less, because it went no further than the Minories? Quite the reverse. Only one engineer was examined, and he stated that he believed the railroad, at first projected, would run 10,000 daily, though he expected it would have an increased traffic if it proceeded to Fenchurch Street. Is the trifling increase of traffic on the line, thus contemplated, a fair compensation for the vast destruction of property required by the proposed extension of the line? — 415 yards are proposed to be purchased at a sum of 200,000*l.*; in fact, a rate of price something less than a million of money is to be given for a mile of railroad. Who are to have the use of it? Not the public, — it is to be confined entirely to the proprietors of the East and West India Docks. The consequence will be, that, instead of there being a railroad in a large and comprehensive sense, this will be an excellent contrivance to bring two pieces of private property together. The effect of it will be in every way highly injurious to the public. I do not hesitate to say, after a close and personal inspection of the locality of Blackwall, that instead of taking people from the Minories, or from Fenchurch Street, to the water-side, it will only take them down to the East India Dock property, — for the use of which property they will have to pay as a property distinct and unconnected with the railroad. Gentlemen who read the Reports will find it was not till after the committee had drawn up their Report that it was found there was a secret article of agreement between the shareholders of the railroad and the directors of the docks. I am sure the Noble Lord opposite (Lord Teignmouth) will concur with me in that statement. The terms of that secret compact are, that the company shall be a railroad company only as carriers, and that the proprietors of the docks shall be wharfingers; that as wharfingers they shall impose a charge on the public; that the railroad proprietors shall impose another charge on the public, — and thus two impositions are to be inflicted. Whereas, if the original purpose of the Bill had been carried out, the railroad would not have gone on to the East India Docks at all, but would have stopped short at Blackwall Stairs. The Blackwall Stairs are public property, from which all parties could embark. The company has chosen not to hold out any benefit to the public, but has allied itself with the East India Dock Company, to the great prejudice of the public. It is a great mistake to say that this is a railroad from London to Blackwall; it is a line of communication from London to all the trading ports in the world; and yet the reception of goods is to be confined to this dock company. Such being the case, it is clear that a most dangerous monopoly will be established. Well, then, let us see what will be the effect in town. Is the House prepared to sanction a measure which will pour thousands at a time into a small space? If, upon an average, 10,000 persons are brought into London in a day, it

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is not improbable that on some days there might be an influx of 40,000 or 50,000; and no man can calculate the extent of the inconvenience and danger that would be the consequence. What says Mr. Harvey? He says, that at the Birmingham *terminus* in Euston Square there is accommodation, to the extent of seven acres, for 1700 passengers daily, while at the Blackwall *terminus* there will not be, for 10,000 persons, more than 120 to 180 feet! Mr. Harvey was asked what space he thought would be necessary for so large an influx of persons? and his answer was, "Not less than seven acres." When his attention was called to the space of 120 feet, he said, "such limited accommodation would be fraught with mischief to the public." An eminent surveyor, who looked at the property, declared that the property would, in the immediate neighbourhood, be deteriorated to an extent of from 40 to 60 per cent. The customers of the butchers, bakers, and grocers would be removed; and where is their compensation to come from? They can have none; and that is a reason why this House should protect them. I am aware that I am addressing landlords; and I have heard of one extraordinary instance of a landlord receiving as much as 120,000*l.* for 30 acres of land, and of the stopping of a Bill until that sum was paid to him. I hope, however, that the House will not be indifferent to the prayer of the petition which I have presented; but that it will be more zealous to protect their interests, because they have to contend against a powerful company of great wealth and influence.

Mr. CLAY. — Sir, it is not my intention to occupy the House many minutes; but, as the representative of the Tower Hamlets, I feel bound to make an observation or two. I wish to discharge my duty properly, but I fear that, in whatever way I vote, my vote will be the subject of misconstruction. The Legislature had sanctioned the railroad from Blackwall to the Minories, and as soon as that sanction was given, the greater part of the objections of my constituents were overruled, because 19-20ths of the disturbance of the private property complained of had been already allowed to take place. The principal injury was to tradespeople, and that has been sanctioned. Bringing the railway into Fenchurch Street may destroy some houses occupied by merchants as counting-houses; but that will be only a temporary inconvenience. As to the objection of the Honourable Member who has just sat down, that there is no access to the water from Blackwall,— surely it is not to be said that, because Parliament allow persons to form a railway, therefore it ought to make them watermen. Besides, the company has the means of making a most convenient entrance to the water. Upon the whole, I feel bound to vote in favour of the measure.

Mr. PRYME. — Sir, I perfectly agree with the Honourable Member, that this is a Public Bill in point of fact, though a Private Bill by name; and that, so far from its being calculated to uphold any monopoly, its nature is quite the reverse. I do not speak merely from the evidence that I have read on the subject, but from ocular demonstration, as I took two journeys down to Blackwall this year. The great object of the Bill is, to facilitate conveyance from the East India Docks into the city of London, and I am of opinion it will be most useful in that respect. I speak from no interested motive — I have no connection with any party or power connected with the undertaking. My mind is completely a piece of blank paper, as far as this matter is concerned. Until I come to the consideration of the question before the House, therefore, I shall vote without any bias on one side or the other.

The House divided: — Ayes 176; Noes 73; — Majority 103.

AYES.

Abercromby, Hon. G. R.	Chester, H.
Ainsworth, P.	Chute, W. L. W.
Alston, R.	Clerk, Sir G.
Archbold, R.	Codrington, Admiral
Attwood, M.	Cole, Hon. A. H.
Baines, E.	Cole, Lord Viscount
Barnard, E. G.	Collins, W.
Barneby, J.	Colquhoun, J. C.
Barrington, Lord Vt.	Conolly, E.
Barry, G. S.	Copeland, Alderman
Beamish, F. B.	Craig, W. G.
Bell, M.	Cresswell, C.
Benett, J.	Denison, W. J.
Bentinck, Lord G.	Dennistoun, J.
Berkeley, Hon. H.	D'Eyncourt, Rt. Hon. C. T.
Bewes, T.	Divett, E.
Blackett, C.	Douglas, Sir C. E.
Blake, W. J.	Duncombe, T.
Blewitt, R. J.	Duncombe, Hon. W.
Bodkin, J. J.	Dundas, C. W. D.
Boldero, H. G.	Dungannon, Lord Vt.
Bowes, J.	Easthope, J.
Bradshaw, J.	Ellice, Captain A.
Bramston, T. W.	Ellice, Rt. Hon. E.
Bridgeman, H.	Ellice, E.
Brotherton, J.	Ellis, W.
Bruce, Lord E.	Estcourt, T. (Oxf. U.)
Bryan, G.	Evans, Sir De Lacy
Buller, E.	Ewart, W.
Busfeild, W.	Fector, J. M.
Cartwright, W. R.	Fenton, J.
Cavendish, Hon. G. H.	Ferguson, R.
Chapman, Sir M. L. C.	Filmer, Sir E.

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Finch, F.
Fitzalan, Lord
Fleetwood, Sir P. H.
Fort, J.
Freshfield, J. W.
Gordon, R.
Graham, Rt. Hon. Sir J.
Grant, F. W.
Grattan, H.
Greene, T.
Grey, Rt. Hon. Sir G.
Grimsditch, T.
Guest, Sir J.
Hale, R. B.
Hall, Sir B.
Harcourt, G. G.
Harland, W. C.
Hawes, B.
Hawkes, T.
Hinde, J. H.
Hobhouse, T. B.
Hodges, T. L.
Hoskins, K.
Houldsworth, T.
Hume, J.
Hutt, W.
Ingham, R.
Irving, J.
James, Sir W. C.
Jervis, S.
Johnstone, H.
Jones, John
Langdale, Hon. C.
Lister, E. C.
Lowther, J. H.
Lushington, Rt. Hn. S.
Lygon, Hon. General
Mackinnon, W. A.
M'Taggart, J.
Marshall, W.
Master, T. W. C.
Maule, Hon. F.
Miles, W.
Molesworth, Sir W.
Morris, D.
Murray, A.
Muskett, G. A.
Nagle, Sir R.
Norreys, Sir D. J.
O'Connell, D.
O'Connell, John
O'Connell, M. J.
O'Connell, Morgan
Ord, W.
Owen, Sir J.
Pakington, J. S.
Parker, R. T.
Philips, M.
Pigot, D. R.
Polhill, F.
Power, James
Pringle, A.
Pryme, G.
Pusey, P.
Reid, Sir J. R.
Rice, E. R.
Roche, W.
Roche, Sir D.
Rushbrooke, Colonel
Salwey, Colonel
Scarlett, Hon. J. Y.
Scrope, G. P.
Seale, Sir J. H.
Seymour, Lord
Smith, J. A.
Smith, A.
Somers, J. P.
Somerset, Lord G.
Somerville, Sir W. M.
Staunton, Sir G. T.
Strickland, Sir G.
Strutt, E.
Style, Sir C.
Surrey, Earl of
Talbot, C. R. M.
Tancred, H. W.
Thornely, T.
Trench, Sir F.
Turner, E.
Turner, W.
Vigors, N. A.
Villiers, Hon. C. P.
Vivian, J. H.
Wakley, T.
Walker, R.
Wall, C. B.
Wallace, R.
Warburton, H.
Ward, H. G.
White, A.
White, H.
White, S.
Wilmot, Sir J. E.
Wilshere, W.
Winnington, T. E.
Winnington, H. J.
Wodehouse, E.
Wood, Colonel T.
Wood, T.
Young, J.

Tellers.
Clay, W.
Teignmouth, Lord

NOES.

Aglionby, H. A.
Aglionby, Major
Bagge, W.
Bethell, R.
Blackstone, W. S.
Bolling, W.
Broadley, H.
Brownrigg, S.
Bruges, W. H. L.
Buller, Sir J. Y.
Burdett, Sir F.
Burrell, Sir C.
Burroughes, H. N.
Byng, G.
Canning, Rt. Hn. Sir S.
Cave, R. O.
Chapman, A.
Christopher, R. A.
Darby, G.
Darlington, Earl of
D'Israeli, B.
Dowdeswell, W.
Dugdale, W. S.
Duke, Sir J.
Duncombe, Hon. A.
Eliot, Lord
Fielden, J.
Fellowes, E.
Fitzroy, Hon. H.
Fleming, J.
Gaskell, J. M.
Glynne, Sir S. R.
Goddard, A.
Gordon, Hon. Captain
Grote, G.
Halford, H.
Heathcote, G. J.
Hector, C. J.
Henniker, Lord
Hepburn, Sir T. B.
Herbert, Hon. S.
Hodgson, F.
Hodgson, R.
Holmes, Hon. W. A'C.
Hope, Hon. C.
Houstoun, G.
Ingestre, Lord Visct.
Inglis, Sir R. H.
Irton, S.
Kelly, F.
Kilburne, Ld. Visct.
Lascelles, Hon. W. S.
Lockhart, A. M.
Lushington, C.
Mackenzie, T.
Mackenzie, W. F.
Manners, Lord C. S.
Packe, C. W.
Parker, M.
Pattison, J.
Planta, Rt. Hon. J.
Rae, Rt. Hon. Sir W.
Richards, R.
Round, J.
Rusbout, G.
Sanford, E. A.
Sheppard, T.
Sinclair, Sir G.
Stansfield, W. R. C.
Troubridge, Sir E. T.
Williams, R.
Williams, W. (Cov.)
Wynn, Rt. Hon. C. W.

Tellers.
Crawford, W.
Harvey, D. W.

Main question put, and agreed to; amendments read a second time, and agreed to; Bill to be ingrossed.

THE BUDGET.

Mr. HUME. — May I ask the Right Honourable the Chancellor of the Exchequer when he intends to bring forward a statement of the finances of the country?

The CHANCELLOR of the EXCHEQUER. — On Friday, 5th of July, I shall move certain resolutions with a view to the introduction of a uniform rate of postage, and I shall take that opportunity of bringing forward my financial statement.

JOINT STOCK BANKS.

Mr. HUME. — Sir, I wish to know when the Right Honourable Gentleman intends to bring forward any measure for the regulation of joint stock banks?

The CHANCELLOR of the EXCHEQUER. — If the Honourable Gentleman had not been out of town, he would have been aware that I have already stated my intentions with regard to that subject. It is my intention, during the present week, to bring in a Bill renewing the measure of last year. I also mean to introduce a measure with reference to the Bank of Ireland, which will, to some extent, alter the position of the joint stock banks in that county.

DANISH CLAIMS.

Mr. CRESSWELL. — Sir, I rise to move, pursuant to my notice, "That an humble Address be presented to her Ma-

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jesty, praying that she will be graciously pleased to direct the commissioners to whom it was referred to examine the claims of certain British subjects in respect of losses sustained by the seizure of ships and cargoes by the Danish Government in 1807, to proceed to adjudicate upon the claims which they have received, and upon which they have made a report to the Lords of her Majesty's Treasury;" and I beg to say that, knowing the interest that is taken in the motion of which the Honourable Member for the city of London has given notice for this evening, it is with great reluctance that I press myself upon the attention of the House, but I fear that I shall not get another opportunity of bringing forward this subject. I will not detain the House long; I can state the facts to the House in a few minutes; the question is a perfectly simple one. It is not my intention to enter into the particulars of the losses which occurred in 1807. That question was discussed last year, and settled by the opinion of a considerable majority; and as I cannot believe that the House will now consent to rescind the vote to which it came last year, I will not enter into the discussion of that part of the subject, unless I shall be forced to do so by the course which the Chancellor of the Exchequer may pursue this evening. The simple question is, what was the meaning of the vote of last year? As to the meaning of that vote, the Right Honourable Gentleman and myself are at issue. If I am right, the House should follow up the vote of last year by agreeing to my motion. It is well known that several merchants, subjects of this country, suffered losses in consequence of the seizure of their property by the Danish Government in 1807, about the period of the attack on Copenhagen by this country. From time to time the subject has been brought forward, and other persons have put forward their claims, stating that they were entitled to receive compensation for these losses. In 1834, the Government yielded the point, and the Chancellor of the Exchequer (Lord Althorp) stated that he was satisfied of the justice of those claims. In consequence, directions were given to the Commissioners for examining French Claims, to receive and examine the Danish claims. The commissioners considered those directions as empowering them not only to receive these claims, but to investigate them for the purpose of ascertaining whether they were just or unjust. Every one must feel that it was incumbent on them to take that course; what signified it that the parties or the public were informed that there were a certain number of persons who had made claims for compensation to a specific amount, unless they were at the same time informed whether those claims were just or unjust. The commissioners stated that claims had been made amounting to 500,000*l.* or 600,000*l.*, and they adjudicated on about 140,000*l.*, which they had decided were just claims.

There are two separate classes of claimants which the House had determined to be entitled to compensation. The first class consisted of those English merchants who were owed debts, at the time, by Danish subjects, which debts were confiscated, the Danish Government having ordered them to be paid into the public Treasury. Another class consisted of those whose goods on shore were seized. This class was at first objected to; but it was afterwards allowed that theirs constituted a case for investigation. Some of these persons omitted to bring forward their claims within the time allowed by the Order in Council for their so doing; and, in 1837, the Honourable Member for Bridport submitted their case in this House. The Honourable Member for Bridport, on that occasion, moved that an humble Address be presented to her Majesty, praying that her Majesty would be graciously pleased to direct the Danish commissioners to enter upon the examination of those claims. That Address was agreed to, and her Majesty was graciously pleased to comply with its prayer. That instruction must have authorised them to proceed to adjudication, because, on the occasion of that Address, the Chancellor of the Exchequer provided funds for the purpose of meeting those claims. I cannot see any difference, in principle, between the claims of those whose goods were seized and confiscated on shore, and those whose goods were seized and confiscated on board ship, together with the ships on board which those goods were. The House adopted my views in that Address to her Majesty, and I couched my Address in precisely the same terms as those of the Address of the Honourable Member for Bridport. Therefore the instructions were the same; the Treasury minutes were the same, in substance; but the results produced a most extraordinary difference; — whether there were any private instructions, or not, I do not know; but it is most curious, but no less curious than true, to find that the results have been so different. I can understand that there may have been some reason why the House should not be told what the amount of all the claims is, because the House might be terrified by its being a large amount. I would ask

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the House whether they did, or did not, in their vote of last year, adopt the principle that those who had had their ships seized should be indemnified? — and if so, I ask them to follow up their vote of last year. If we adopt that principle, then I would ask why should we not adopt the course I propose to pursue, — namely, voting an Address to her Majesty, praying that she would be graciously pleased to direct the commissioners to adjudicate upon this class of claims? The Right Honourable Gentleman opposite, upon my asking the question, told me, that he had not directed the commissioners to adjudicate, because the case was very different from that which was then before Parliament. How can the Right Honourable Gentleman presume to put such a construction on our vote? Unless the House is prepared to rescind the vote that it came to last Session, we must follow it up by voting the Address. The Right Honourable Gentleman has said that the present is a very different case, altogether, to the question which was discussed last year. I cannot agree with the Right Honourable Gentleman in that statement. The matter was then very fully discussed; the money was voted; and when a Minister of the Crown took the judgment of the House, and that judgment was against him, I think it was quite uncalled for that he should persevere against the sense of the House. If the present motion shall be granted, then the means will be had, of knowing what the parties are entitled to; and then we shall be enabled to see whether the Chancellor of the Exchequer will say, after two votes against him, that he will not consent to do justice.

Mr. HUTT. — I second this motion.

The CHANCELLOR of the EXCHEQUER. — Sir, knowing the anxiety of the House to go into the discussion of the great question fixed for this evening, I shall shortly confine myself to the grounds on which, in the execution of my duty, I have directed my course in this matter. I think this matter, however, of so much importance, that I could have wished a night had been specially set apart for its full, calm, and efficient discussion; but the Honourable and Learned Member has not thought proper to do so, and I therefore labour under the disadvantage of attempting to arrest the attention of a House bent on another and more important subject. On a former occasion, I stated my views to the House; but I must now set myself right with the House and the country as to the grounds on which I proposed votes in the estimates for the relief of certain Danish sufferers, and on which I have resisted the claims embraced in the present motion. In the year 1835, I proposed a vote of 113,000*l.* for the relief of the Danish claimants; and in 1836, a vote of 78,000*l.* for the same purpose; and in the estimates for the present year, I proposed a vote of 87,481*l.*; making an entire sum of 278,481*l.* I allude to this fact for the purpose of showing that there has been no unwillingness on my part, if a case were made out, to propose compensation to the sufferers. But there is a difference between those cases in which relief has been granted, and those in which the claims have been resisted. I contended, that, when the wrongs sustained by British subjects had been occasioned by acts of our own, contrary to the usages of civilised European war, the Government, unless they obtained compensation for those wrongs from the foreign country which had inflicted them, were bound to take the responsibility for them on themselves; and in those cases, the Government has so taken the responsibility upon themselves. But with respect to the present class of claimants, the reports of the legal authorities, both in civil and common law, have shown, that this class had not sustained any wrong in consequence of any act which was contrary to the law of nations as known and practised in Europe, but only wrongs arising from the usual and accustomed course of ordinary hostilities. That being so, what is the question opened to the House? Is it to sanction the principle that individual subjects of the Crown, sustaining wrongs or injuries in war, but not such as are contrary to the law of nations, are to come to Parliament and ask for indemnity? If that principle be assented to, where, I beg to inquire, is its application to end? If that principle were assented to, no person living could put a limit, by possibility, to the amount of claims that might be made, in case of war. This is the ground of distinction between the two cases; and I call upon the House to hesitate in taking any step which would affirm the liability of this country in respect of losses sustained from the ordinary acts of warfare, — but above all, in a case where so much time has elapsed. In this proposition a great general principle is involved; but if any doubts existed on this subject, those doubts are turned into certainty by the statement of the Honourable and Learned Gentleman opposite; for the Honourable and Learned Gentleman, because the House affirmed an Address to which the assent of the Crown was not given, appeals to the House whether, in voting that Address, it did not

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mean and intend to vote the money claimed? That makes a vote of this description still more dangerous; because, the House having been seduced into it, on the ground that it was not intended as a money vote, but as a vote of inquiry, the Honourable mover in the next Session turns round, and, appealing to the generosity of the House, says he did mean a money vote, and then calls upon the House to affirm that proposition. It was but a few days ago that the Right Honourable Baronet the Member for Tamworth reproved me for encouraging votes of this description, in the case of Mr. Fourdrinier; and the Right Honourable Baronet then told me, if I would take a bolder line in such matters, he would stand by me in asserting the prerogative of the Crown. I hope Honourable Members, opposite, will do so on the present occasion. The Honourable and Learned Member for Liverpool seems to think that, because I did not act with regard to these claims as I had acted in relation to others, the new Address was necessary. Now, I submit, that the two classes are not at all analogous. It is true that there was a majority against me upon the occasion in question; but that majority was for an Address to take this question into consideration, and in the course of the debate I stated my intention to resist the motion in its future stages. And I now give the Honourable and Learned Member notice, that, whatever may be the result of his motion, so long as I have the honour of a seat in this House, I will resist that principle; and, moreover, I will take care that the subject shall be discussed in a full House, with a full knowledge of its importance, and not at a time when Honourable Members, favourable to the claim, are moved to come down to the House by *exparte* statements of the case, circulated in a printed form among Members, as in the case of a Private Bill. This course has been pursued on the present occasion. The Honourable Gentleman has made one observation, which, forensically, might have been fair, perhaps. He intimated that I had objected to the examination of these claims, in order that the House might not be terrified at the largeness of the total amount claimed. I can assure the Honourable and Learned Gentleman that such was not, in the slightest degree, my motive. I will state my real motive for taking this course; and I entreat the House to consider the hardship that would be produced if they did not abide by it. I am prepared to resist this motion for an Address to the utmost of my power, unless there be, first, a vote of this House directing provision to be made for the purpose of satisfying these disputed claims. Unless something recognising the vote as a money vote be done, I will never consent to place these parties in the position in which those other parties were placed who were included in the estimate which has been already referred to. But until such course be adopted, of what use will it be to enter into an investigation of these claims, subjecting the parties to all the inconvenience of a full trial, that can lead to no result? To proceed to such an investigation would be neither fair, equitable, nor just. Let the Honourable and Learned Gentleman meet this question fairly, and I will be ready to grapple with him. Let him bring forward the matter in such a shape as will raise the question. I cannot give the Queen's assent as to a money vote; but there are, as the Honourable Gentleman will find, forms of Parliament that will enable him effectually to raise the question. If Parliament will vote the amount, I will direct the commissioners to adjudicate. For, to the Government it is, abstractedly, a matter of total indifference, whether the public money is voted by the House to Danes, or Spaniards, or to persons of any other nation.

Sir, I must oppose this motion. To agree to it would be to strengthen the claims of these persons, which, I have already said, I believe to be unfounded. They would, if this Address were agreed to, be in a situation to come to the House and to argue that a money vote must have been intended, or an affirmatory vote would not have been a second time agreed to. If the Honourable and Learned Gentleman brings forward the question again, I give notice that I shall move a call of the House, that there may be a full and deliberate expression of the opinion of the whole House on the subject; and until such deliberate opinion of the House is pronounced on every stage of the proceeding, the Honourable Member for Liverpool will find me a most inflexible opponent. Considering the course proposed by the Honourable and Learned Member to be one that would pledge the House to grant the money required to satisfy these claims, I must give it my most decided opposition.

Mr. HUME. — Sir, I have only a few words to say on the subject. Time has only added, in my opinion, to the claims of these individuals. I consider that the preceding Government acted most unjustly, when, having had in its hands 1,200,000*l.*, it refused to give British subjects, entitled to be reimbursed for their losses, any

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compensation. The Government recognises the point to this extent, — that if parties can make out that they have claims, those claims are entitled to consideration. The Chancellor of the Exchequer is of opinion that the vote of a former Session did not imply a vote of money. I agree with the Right Honourable Gentleman in that view; but then it implied that inquiry should be made by competent persons to ascertain who are the claimants, and what is the amount of their claims. After that vote I should have considered myself bound not only to receive the claims, but to direct the commissioners to ascertain the nature and the amount of them; nor can I think that justice will be satisfied until that be done. If the Honourable and Learned Gentleman opposite do not know what the claims are, he does perfectly right to try this Address, for the Address, as I understand it, simply prays, in effect, that her Majesty would be pleased to direct an inquiry to be made into the nature of these claims, in order that the House may afterwards take the question into its consideration, whether or not those claims should be paid. If this had been an ordinary war, I am prepared fairly to state that I should think the claimants had no right to come to this House; but if ever there was an extraordinary case in the annals of British history, the conduct of the British Government with respect to Denmark, on the occasion referred to, presents that extraordinary case. From the correspondence which, at the time, took place, it appears that, the merchants having heard rumours of war between England and Denmark, they went to the Chancellor of the Exchequer of the day, to inquire whether England was going to war with Denmark? and the answer they received was, that there was not the least chance of it. And if I understand the claimants, their case is this, — that by that statement from Government, they were misled. If it had been an ordinary case of warfare, every merchant would have been considered bound to insure his ships against the ordinary chances of war; and in that case, if a war had taken place, there would have been no hardship to complain of; but, here, from the statement made by the Government, no ingenuity or attention, on the part of the merchants, could possibly have enabled them to foresee or to provide against the contingency. That circumstance makes the present an extraordinary case. I have no hesitation, therefore, in thinking that, whatever may be the determination of the House as to paying money, it is due to our countrymen, who have been, now, for thirty-two years, kept out of their claims, at least to ascertain if anything be due to them; and now that you have done all you can towards satisfying other claimants, it will be but barely just that you should give your attention to this last class of claimants. It is but right that the Right Honourable Gentleman should not allow a shilling to be paid away till a clear case is made out; but he ought not to oppose a proper inquiry. Fifteen or twenty years ago I advocated this case, when it was but ill received by the House, and almost scouted by the Government of the day. The Right Honourable Gentleman then acted wrongly, as I told him at the time. Injustice has been done throughout; but I hope the House will do justice, now. In supporting this motion, I do not consider that I pledge myself to a money vote, but I consider myself bound to assist in ascertaining what the claims of the parties are; and if 50*l.* or 500,000*l.* be fairly due to them, it will not become the Government of a great country like this, to withhold payment of that which is justly due. The Address I consider to be a proper one to be moved, and I think the Chancellor of the Exchequer ought not to oppose it.

LORD JOHN RUSSELL. — I must confess I feel rather alarmed at the doctrine propounded by the Honourable Member who has just sat down. He stated that this was an extraordinary war, and that it had been commenced in a most unusual manner; and, especially, that, as thirty-two years had elapsed, the claims of the parties more particularly merit the attention of the House. Now I am afraid that, if the House lay down the principle that they are to consider all claims that may be presented to them, and that lapse of time is to be considered an additional recommendation of the claims to the attention of the House, — if the Honourable Member send that forth as an advertisement, — the House will very soon be inundated with claims; and if we were to entertain the present claims, I do not know why claims, of the time of the seven years' war, should not be sent in, — nor, indeed, why claimants should not be found to go back to the time of Charles II. The House of Commons may depend upon it, that, if it entertain these claims for losses in times long gone by, it will very soon have scarcely anything else to do than to hear the merits of claims argued. I hope the House will not continue the discussion of the subject, unless it is prepared to pay millions in the satisfaction of claims of one description or another that may be brought forward.

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LORD VISCOUNT SANDON. — I would put the question, at present, on this point,—namely, whether the Chancellor of the Exchequer has acted in accordance with the assurance which he gave to the House on a former occasion? or whether he is not now going in direct variance with that assurance? The Address now proposed is upon the same footing as the Address that was agreed to before, and I think it ought not to be opposed.

The CHANCELLOR of the EXCHEQUER. — I can assure the House that I believe I am now taking the same course that I have always taken when this question has come under discussion. I am not now prepared to propose an estimate; and therefore I cannot take a different step, at present, to what I before took.

SIR STRATFORD CANNING. — I am ready to admit the principle on which the Right Honourable Gentleman has placed his opposition on this occasion; but still, it is to be recollected that a war expedition was sent out to Denmark, when almost all mankind thought this country was in a state of profound peace with that state; and that that war was undertaken with the utmost secrecy of intention, so that the shipping trade was exposed to unusual danger. Certainly it is but fair, with a view to satisfy the spirit of justice inherent in this country, that inquiries should be entered upon as to these claims.

Mr. GOULBURN. — For myself, Sir, I cannot but adhere to the opinions I have always expressed on this subject. I object to setting the example of listening to these claims. If this precedent were established, applications would be continually made, from time to time, of a similar sort, and every night would be occupied with the discussion of them, and the country would, in fact, be plundered. The Honourable Member for Kilkenny has put it upon this ground,—that the Foreign Office would not tell the merchants whether this country was going to war, or not, with Denmark. I would put it to the House to say whether the Foreign Office was bound to state such a thing to merchants, generally? This proceeding means nothing, unless it means a money vote; and I, for one, must oppose it.

COLONEL SIBTHORP. — I wish to ask the Right Honourable Gentleman opposite, whether the Foreign Office did not tell the merchants that they were in a perfect state of safety, as far as a war was in question?

The CHANCELLOR of the EXCHEQUER. — If the Gallant Colonel wishes to have an answer to that question, he must put it to one who was responsible for what passed at the Foreign Office at that time.

Mr. WARBURTON. — The question before the House is not, whether it is fitting, or not, that money should be granted to these claimants? The only question is, whether reasonable expectation was not held out to them that the commissioners should proceed to inquire whether there was not a certain class of these petitioners whose claims were valid? I think the reasonable interpretation to be put upon the carrying of the motion of last year is, that the commissioners should report which of these claims were to be considered valid. The Right Honourable the Chancellor of the Exchequer, who has opposed the vote to the utmost of his power, has stated that he does not consider that to have been the object or intent of the vote, or that they should be included in the estimates. It would, however, be a second question, whether these claims should be included in the estimates? When that comes before the House for discussion, they can go into the general merits of the question.

Mr. CRESSWELL. — Sir, I cannot pass by the observation of my Right Honourable Friend below me, who has said that, if the present motion be agreed to, these claimants will plunder the country. I cannot understand upon what ground it is stated that those persons whose property was taken from them in consequence of the proceedings of Government, would "plunder the country," when they only seek compensation for the losses they have sustained. It might be said that the Danes, who have taken 1,200,000*l.* of the property of the people of England, have plundered this country; but it is too much to say that the parties who have suffered losses to that extent can be charged with plundering the country, when they claim compensation for their losses. The ground taken by the Right Honourable Gentleman opposite, on the present occasion, is precisely the same as that which he took last year. The Right Honourable Gentleman says that subjects are bound to take their chance during a time of war; and he states that these captures were made *flagrante bello*. I deny that position. The English nation, for great and important purposes, committed an irregular act, by seizing the property of a nation in time of peace. Lord Cathcart stated that he

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came there as a friend, and he seized the property of the Danes, as he alleged, to prevent its falling into the hands of their enemies. The Danes made reprisals; and, according to the law of nations, this country is bound to make compensation for property so lost by its subjects in such cases.

[Cries of "No, no!"]

I challenge any Honourable Member of this House, who knows anything of the law of nations, to deny that principle. The Right Honourable Gentleman, on a former occasion, admitted that very principle; but his argument was, that the property had been lost *flagrante bello*, — therefore no title to compensation had been made out. Another argument now urged by the Right Honourable the Chancellor of the Exchequer is, that the question should be discussed in a full House. Now, in common fairness, I ask, what could I do more than I have done? I watched my opportunity, and fixed my motion for an early hour, when there was some probability of a full attendance. I selected the very night fixed by the Honourable Member for London to bring forward the question of the Ballot; and if the subject was considered of importance by the Government, why did they not insure a full House to discuss these claims in? Sir, I have brought the question forward as an independent Member. I have done so, not because my constituents are interested in it, but because I am satisfied that the case is a just one; and I assure the House that, otherwise, I should not have advocated it. The captures which were made of the property of British subjects are now matter of history; and I hope the Government will allow its own commissioners to investigate what the amount of these losses is. The Right Honourable Gentleman states that he will oppose the wish of the House so far as he can, and so far he has given fair notice that he will resist the motion as far as he can. That intimation, certainly, cannot hurt me in the least. It is, indeed, an intimation to the House; and if the Right Honourable Gentleman declares that he will resist the wish of the House, that is the affair of the House and the Right Honourable Gentleman, not mine. It is said that the commissioners ought not to adjudicate, lest the parties should be put to expense; and, in the same breath, the commissioners are told to receive evidence, but not to pronounce any opinion, lest it might excite false hopes in the parties claiming. Now, I contend that the Right Honourable Gentleman, having put these parties to the expense of bringing forward their evidence, is the very person who has raised such false hopes. It cannot be supposed that it was mere idle curiosity, or an anxiety to learn precisely the amount of the losses sustained, that induced the commissioners to require evidence on these points. I trust that the hopes which have been excited (in the minds of the parties who lost their property some thirty-two years ago) by the vote of last year, will now be realised.

The House then divided: — Ayes 94; Noes 32; — Majority 62.

AYES.

Alston, R.
Attwood, M.
Bagge, W.
Barnard, E. G.
Bell, M.
Bentinck, Lord G.
Berkeley, Hon. H.
Bethell, R.
Blackett, C.
Blennerhassett, A.
Bodkin, J. J.
Boldero, H. G.
Bolling, W.
Bramston, T. W.
Broadley, H.
Bruges, W. H. L.
Bryan, G.
Buller, C.
Burroughes, H. N.
Busfeild, W.
Butler, Hon. Colonel
Cayley, E. S.
Chapman, A.
Christopher, R. A.
Chute, W. L. W.
Collier, J.
Craig, W. G.
Darlington, Earl of
Douglas, Sir C. E.
Duke, Sir J.
Dundas, C. W. D.
Dungannon, Ld. Visct.
Eaton, R. J.
Ellis, J.
Feilden, W.
Fielden, J.
Fitzroy, Hon. H.
Gaskell, J. M.
Goddard, A.
Grote, G.
Hawes, B.
Henniker, Lord
Hinde, J. H.
Hodgson, R.
Hogg, J. W.
Holmes, Hon. W. A'C.
Horsman, E.
Houstoun, G.
Howard, P. H.
Hume, J.
Humphery, J.
Hutt, W.
Ingham, R.
Inglis, Sir R. H.
James, Sir W. C.
Kelly, F.
Kemble, H.
Knatchbull, Rt. Hon. Sir E.
Lambton, H.
Langdale, Hon. C.
Lascelles, Hon. W. S.
Lefroy, Rt. Hon. T.
Liddell, Hon. H. T.
Mackenzie, T.
Marsland, T.
Molesworth, Sir W.
Ord, W.
Philips, M.
Phillpotts, J.
Plumptre, J. P.
Polhill, F.
Pryme, G.
Round, C. G.
Round, J.
Sandon, Lord Viscount
Scholefield, J.
Scrope, G. P.
Sheppard, T.
Sibthorp, Colonel
Smyth, Sir G. H.
Somerville, Sir W. M.
Staunton, Sir G. T.
Stuart, Lord J.
Strickland, Sir G.
Style, Sir C.
Talfourd, Mr. Serjeant
Thompson, Alderman
Vigors, N. A.
Vivian, J. E.
Wakley, T.
Warburton, H.
Ward, H. G.
White, A.
Wodehouse, E.

Tellers.
Cresswell, C.
Wilmot, Sir J. E.

NOES.

Baring, F. T.
Brodie, W. B.
Brotherton, J.
Bulwer, Sir L.

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Clements, Lord Visct.	Sharpe, General
Divett, E.	Slaney, R. A.
Eliot, Lord	Smith, R. V.
Goulburn, Rt. Hon. H.	Stock, Dr.
Grey, Rt. Hon. Sir G.	Tancred, H. W.
Hodges, T. L.	Troubridge, Sir E. T.
Howick, Lord Visct.	Wilbraham, G.
Melgund, Lord Visct.	Williams, W. A.
Milnes, R. M.	Wood, Colonel T.
Parrott, J.	Worsley, Lord
Pusey, P.	Wynn, Rt. Hon. C. W.
Rice, Rt. Hon. T. S.	Yates, J. A.
Rolfe, Sir R. M.	
Russell, Lord J.	*Tellers.*
Sanford, E. A.	Maule, Hon. F.
Seymour, Lord	Wood, C.

Mr. HUTT.—After the very significant indication which has now been, once more, given by the House of Commons, of its opinion on the subject, I think it would only be fair that the Chancellor of the Exchequer should state what course he really intends to pursue with regard to these claims.

The CHANCELLOR of the EXCHEQUER. — In consequence of the adverse vote which has just taken place, I will take care that there shall be placed on the table of the House a full and entire account of these claims, to the fullest extent to which they can be carried out. Sir, I enter my *caveat* against any complaints being again made against me upon the subject. Having done so, I will tell the Honourable Gentleman, that I shall still think it my duty to oppose the next step he takes, which must be the proposal of a money vote. I will resist that vote, and I tell the House that, if it vote away the money, it is the public money that it is dealing with. Although the Honourable and Learned Gentleman has carried the Address against me, still I must protest against it; and, until the House carry a money vote to pay these claims, I will be no party to the cause in any way. I feel quite persuaded that there is no Gentleman in this House who imputes to me any motives, or thinks that I am, or have been, actuated by any other motives, in this case, than a deep sense of public duty. The day will come when resistance in matters of this kind will be looked upon in another light; and it will be then found that the House has set a bad example upon this occasion, and that it has too much relaxed the rule. The question can be carried no further, now, than the money vote, and that remains still an open question.

Mr. CRESSWELL. — The Right Honourable Gentleman, in his speech, mentioned something as to the manner of bringing on a money vote. Perhaps, if he will not move it himself, he will initiate me into the secret.

The CHANCELLOR of the EXCHEQUER. — No; the Honourable and Learned Gentleman has carried his Address against me. I am not at all desirous of giving him the slightest assistance, and I cannot be so presumptuous as to offer him any hint upon the matter.

PUBLIC WALKS.

Mr. SLANEY. — I now rise, Sir, to move a resolution, — "That it is the duty of the Commons' House of Parliament to take measures to provide public walks in the immediate vicinity of large and populous towns, calculated to promote the health and comfort of the middle and humbler classes." I am aware how anxious the House is to proceed to the important question to be brought forward by the Honourable Member for London; and therefore I assure you, Sir, that I will be as brief as possible in my statement. The population of this country has entirely changed its character within the last thirty-five or forty years; it has increased threefold; and now, many who used to be engaged in agricultural pursuits are congregated in large manufacturing towns, the population of which at present amounts to between three and a half and four millions of people, — mostly of the humbler classes. They are badly lodged, being cooped up, all the week, in cellars and small rooms, situated in narrow lanes; they have no day for enjoyment but the Sunday, and upon that day they are deprived of the benefit of country air, from the want of public places in their neighbourhood. In 1833, a committee sat upon the subject; but although they reported in favour of the adoption of a measure of this kind, nothing has since been done in the matter. If the humbler classes are neglected in this way, can they be otherwise than discontented? and if they are not provided with harmless recreations of this kind, can it be wondered at that they resort to gin-shops and beer-houses? It is the duty of Parliament to contribute to the comfort and happiness of the people by every means in their power; and I am free to admit, that my object in bringing forward this motion is to call the attention of her Majesty's Government to the subject, in the hope that they will take it into their hands. I beg leave, now, Sir,

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to move the resolution, in the terms I have already stated.

Mr. BROTHERTON. — I second the motion; and I will merely add, that the improvement of the working classes is an object of the highest importance. The country owes them much; and I hope the Government will feel it to be their duty to carry the recommendations of the committee of 1833 into effect.

LORD J. RUSSELL. — I perfectly concur in recognising the necessity of public walks and open spaces for the working classes, in the neighbourhood of large towns; but I cannot see that the resolution before the House advances the object, as it points out or provides no means whatever for its ultimate attainment.

Mr. HUME. — I will only say, that I think the Government ought to take up the question, — for it is one of much importance.

SIR R. INGLIS. — I hope the Honourable Member will not press his motion, as it is so indefinite that many must oppose it who agree in the principle.

Mr. SANFORD. — I must be permitted to observe that the Government have been by no means unmindful of the recommendations of the committee of 1833. They have thrown open the Regent's Park to the public; and in this, and other instances, they have evinced a desire to attend to the interests of the working classes.

Mr. MARK PHILIPS. — I agree that the resolution will not effect the object we have in view, although I am almost at a loss to know in what shape the subject could be properly brought forward. I think Crown lands might be exchanged for land in the neighbourhood of Manchester, Leeds, Birmingham, and other places, for the purpose of establishing public walks there.

SIR R. PEEL. — Sir, I wish to join my request to that of other Honourable Members, that the Honourable Gentleman would not press his motion to a division. I feel, as strongly as any Honourable Gentleman, how important it is to provide public walks in the vicinity of large towns; but I, at the same time, disapprove of abstract resolutions, which can effect no object beyond a general expression of sympathy on the part of this House. I am willing to say that I attach very great importance to this subject; but I think the only safe principle on which we can proceed, is to say we will aid, with the public money, private donations for this purpose. Until, however, we have some details before us, it is impossible that we can properly discuss such a matter; and my opinion is, that the question is one which ought to be undertaken by the Government. By providing places for that species of recreation which would contribute to health and to gratify the people, great benefit would be derived; and I think that this would be the very best means of preventing many annoyances which at present exist.

Mr. SLANEY. — I will not persist in pressing my motion against the sense of the House; but I do trust the matter will be taken up by the Government, without any unnecessary delay.

Motion, by leave, withdrawn.

THE BALLOT.

Mr. GROTE presented petitions from Leominster, Hereford, Moreton Marsh, and from two individuals, in favour of the vote by ballot.

Mr. BRISCOE presented a petition from Westbury, to the same effect.

Mr. GROTE. — I rise, Sir, to renew the motion, which I have before made in several preceding Sessions, for leave to bring in a Bill providing that the votes at parliamentary elections shall be taken by way of ballot. The many discussions which this subject has already undergone forbid the hope that I can advance much of new argument, or invoke many fresh testimonies in its favour. But I am not deterred by this consideration from again entreating a moderate portion of the time and attention of the House; and while I shall carefully avoid all needless amplification, I shall not think myself obliged to throw aside any relevant or forcible arguments, simply because they have been employed before on the same discussion, and because it is no longer possible to clothe them with freshness or originality; for all historical experience testifies that it is not by the discovery of new positive arguments, and of untrodden ways of demonstration, that political conclusions come to be disseminated, and ultimately acted on; — it is by frequent meditation on the same reasonings, by renewed discussions of the same topic,

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at proper and seasonable intervals, — and, above all, by the continued and painful sense of the same unremedied evils, — that such results are obtained. It was not by fruitfulness of invention in the field of argument that the advocates of Catholic emancipation won their way to victory: it was by an earnest repetition — often and often enforced — of a case of intrinsic and irresistible justice; but in which every novelty in the way of pleading had been exhausted many years before the final triumph. Such is the gradual method by which, alone, political progress is ever accomplished; and such are the grounds, coupled with my unshaken belief in the goodness of the cause which I am advocating, that induce me again to press upon the House the consideration of the vote by ballot. In one respect, Sir, I approach the subject with an advantage which I have not before enjoyed. It is a satisfaction to me to anticipate that the question of the Ballot will no longer be made a subject of formal opposition by the collective Cabinet; and that the opinions which members of the Government may still express against the Ballot, will be the result of their own individual convictions, not of any express resolution to identify the Cabinet of Lord Melbourne with open voting. If I am asked, Sir, whether the measure which I propose is one calculated to correct all that is amiss, and to supply all that is defective in our present representative system, I answer, without hesitation, that I do not believe it is so. I do not present the Ballot as a measure of any such comprehensive or all-sufficient character. I agree with those who think that our present electoral franchise is too narrow and too unequally distributed; and I shall lend my best support to any proposition for rectifying these evils, by a large extension of the franchise, coupled with a more just and equal proportionment of the constituencies. But, though I am far from pretending that the Ballot is a full remedy against all the defects of our representative system, yet I do affirm — and confidently affirm — that it is a remedy for one of the grossest and most grievous of those defects; — I mean the intimidation and corruption now practised on the legitimate exercise of the franchise. And, with regard to intimidation and corruption, there is this to be remarked, — that many persons who deny the existence of any other evils in the representation as it now stands — many persons who treat the Reform Act as perfect and unalterable in respect to the extension and distribution of the franchise — are yet ready to lament the prevalence of corruption and intimidation, and to admit the necessity of devising some method of combating them. When I hear the emphatic declarations, pronounced by the most powerful and commanding persons in this country, against bribery and coercion at elections, — when I recollect that, a few evenings ago, both the Noble Lord the Member for Stroud and the Right Honourable Gentleman opposite, the Member for Tamworth, vied with each other in the earnestness with which they denounced those unlawful practices, — I certainly might almost have supposed that the object which I seek to attain by my present motion would have procured for me some crumbs of support from both those distinguished persons, instead of receiving their vigorous and unrelaxing opposition.

Sir, I address myself to those who adopt the language of the Noble Lord and the Right Honourable Baronet, and who treat the Reform Act as a final measure — as the permanent settlement of a great constitutional question — or any one of the thousand equivalent phrases by which all idea of farther progress and improvement may be most directly and pointedly negatived, — I address myself to those Gentlemen, and I say to them, "You tell me that the Reform Act is a final measure; do you mean that the intimidation and corruption which now disgrace the operation of it shall be final also? Do you mean to preserve and embalm all these gross deformities, and to make them partakers in that glorious immortality which you promise to the Reform Act as a whole? Was it an understanding between the proposers and the supporters of the Reform Bill, and did it form part of those Tusculan conversations, in 1832, between the Noble Lord the Member for Stroud and Lord Althorp, to which allusion has been made in the Noble Lord's recent pamphlet, when they predicted the future restoration of empire to the Tory party, that intimidation and corruption were to be studiously kept alive for the purpose of neutralising the supposed exorbitancy of democratical principle in the Reform Act?" I do not expect, Sir, to hear it asserted that any such understanding either did exist or could have existed at the period when the Reform Act was first proposed, or that persons who supported that measure were bound by any pledge to discountenance all future remedies against intimidation and corruption. I do not ex-

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pect, I say, to hear an assertion of this kind formally advanced, though arguments are not unfrequently used which seem tacitly to imply it. Sir, I entertain no faith in that doctrine which proclaims the Reform Act a final measure. I reject, altogether, the notion of the possibility that a franchise so restricted and so ill distributed as the present can be considered as the permanent settlement of a great constitutional question. But yet I will not scruple to contend that Gentlemen who differ with me upon this point may, with perfect consistency, agree with me in supporting the Ballot, unless they consider themselves pledged, not only to the finality of the Reform Act, but also to the finality of intimidation and corruption. Whether you insist upon maintaining the present number of electors, or whether you seek to enlarge it — in either case, protection in the exercise of the franchise is indispensably necessary. I have maintained before, and I now maintain again, that the Ballot is in no sense an enlargement or disturbance of any boundary which has been fixed by the Reform Act; and this is often taken by Radical journals as a ground of exception against it, as if it were something petty and insignificant. In my mind, Sir, this perfect consistency of the ballot with the limits and principles of the Reform Act is neither a ground for preference nor a ground for disparagement. I advocate the ballot on its own merits, as the only corrective of grievous electoral abuses; and I insist upon its congruity with the principles of the Reform Act, because such is the real and literal state of the case. Indeed, it is now matter of history, and has been often before mentioned, that in the first speech of the Noble Lord the Member for Stroud, when he introduced the Reform Bill in 1831, the questions as to the best mode of taking votes, and as to the proper time for the duration of Parliaments, were both expressly set aside and reserved for future consideration.

Well, then, Sir, I shall assume that Gentlemen do really wish to suppress intimidation and corruption — that they do not regard these practices as profitable vices, at once to be denounced and to be upheld — "*quod et vetabitur semper et retinebitur*" — that they regard them as a real taint and leprosy in our political system, calling for our utmost diligence to heal or to abate; assuming this, I say, where are we to look for a remedy? Has any person ever proposed any other remedy except the Ballot? I should have thought that among those persons who inveigh against coercion of voters, and who, at the same time, reject the Ballot, there would have been found some, at least, who would have applied their minds to the discovery of some other remedy; and that by this time some efficacious scheme would have been devised, adequate to the urgency of the case, and free from the objections advanced against the Ballot. Considering how many times the Ballot has been discussed, and how vehemently it has been opposed, I think that before this time some substitute remedy might reasonably be expected to have been suggested; and I declare, with perfect sincerity, that if any man will teach me any effectual way of banishing corruption and intimidation, and insuring perfect freedom of suffrage under the system of open voting, I am perfectly ready to abandon the Ballot at once. But I persevere in my own proposition, and I shall persevere in it, because no one will provide me with any other remedy in the slightest degree fitted for the exigency of the case. Let me impress upon the House this view of the subject again and again, for it really is the literal truth, — that they have only the option between adopting the ballot and sanctioning the continuance of the present system, with all its unlawful and coercive practices. There is no third course possible; you must take your choice between the evil and this remedy, — for only one remedy has been proposed or conceived; to reject the remedy is tantamount to an acquiescence in the evil. Those who repudiate the Ballot are, in effect, consenting parties to the continuance of intimidation and corruption, without let or hindrance, in all their disastrous abundance, and with all their deplorable consequences, private as well as public.

Surely, Sir, no man of any pretensions to sound and serious reflection — no man, especially, who enjoys a seat in this House, — can allege that interference with the freedom of election is a slight evil, or that the triumph over it is a matter of small importance. And how, Sir, is this triumph to be accomplished? Voters are now intimidated and corrupted — that is, they vote under fear of injury, or under hope of gain, threatened or promised by third parties. Now, I have asserted before, — and I have heard nothing to shake my conviction, — that secret voting is an effectual way of neutralising this mischievous interference. So long as the vote is known, you cannot prevent third parties from making it the condition of reward and punishment; but I defy

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human ingenuity either to reward or punish an unknown and invisible act. The man who votes in secret can neither fear anything, nor hope anything, in consequence of his vote; neither intimidation nor corruption can be brought to bear upon him, to pervert him from his real inclination and belief, whatever they may be. And, Sir, when I hear so many Gentlemen denouncing the Ballot as a democratical innovation, I am well convinced that they do not, in their hearts, differ with me as to its real effects, however they may *chicane* as to the steps by which those effects are brought about. In what sense can it be true that the Ballot is a democratical innovation? Those who believe that it is so must imagine that there is a considerable proportion of the existing electors who are inclined to vote democratically, but who dare not do so at present, in consequence of their votes being known to third parties. The Ballot can have no other result except that of liberating these electors from constraint, and enabling them to vote as their own consciences dictate: and this is the reason why it is termed a democratical innovation. Now, Sir, I say that this argument admits, in the fullest extent, the real effects and the remedial tendency of the Ballot, such as I have described them. It is, in fact, an objection against the Ballot, not because it will be ineffectual in preventing intimidation and corruption, but because it will be too effectual in preventing them. It is neither more nor less than a defence, and even a eulogy, of these abuses, as a bulwark against the democratical inclinations and opinions of the present electoral body. I am, therefore, warranted in affirming that even a large proportion of the arguments used against the Ballot, admit its efficacy as a defence of the freedom of election; and that is quite sufficient to make out my case. I desire no better ground for continuing to be its advocate. Let Gentlemen just ask themselves what can be the value of a representative system, if we are to provide no guarantee for freedom and sincerity in voting, and no barrier against the aggressive manœuvres of the corrupter and intimidator? What is the advantage of discussing laboriously the qualification of an elector, and determining who is, and who is not, fit for the franchise, if, after all, you do not obtain the elector's free and real opinion, but the judgment of some one else expressed through his organs? Under any and every arrangement of the franchise, — whether it be maintained as it is now, or enlarged to household or universal suffrage, or determined by an educational qualification, — protection in the exercise of it is absolutely indispensable; and if such protection be left out, the whole business of election becomes nothing better than illusion and mockery. You have given the franchise to a certain description of voters; I now call upon you to complete and seal the gift by the addition of that protective enactment, without which their franchise is treacherous and useless to the country, and often even a misfortune and a curse to themselves. For it is but too notorious, under present circumstances, how little an elector is master of his own conduct on the day of election; it is but too publicly proclaimed, and too painfully felt, how sharp is the pressure of dictation and compulsion from without, and how vigorously every engine of control, as well as of corruption, is set at work during the shock of a contested election. I forbear to cite facts in proof of this assertion, because the general prevalence of the evil has been attested by too many witnesses to leave it any matter of doubt. Nor will I repeat to the House the multiplied narratives which have come even within my own personal knowledge, respecting the treatment of tenants and tradesmen and other electors in dependent circumstances, when the fatalmoment arrives at which their franchise can be made to serve the purpose of ambitious superiors. If you are to have any representative Government at all in England, you must have multitudes of electors in dependent circumstances; the distribution of property in England forbids any other supposition. To expect from these men, unprotected as they are by the Legislature, the constant sacrifice of their worldly interest to the preservation of a political conscience — to expect that you will find generally in their bosoms,

> That strong divinity of soul
> Which conquers chance and fate,

such as richer and more accomplished men do not exhibit in their own persons — would be little better than an idle dream. I envy not the feelings of any man who can have engaged in the details of electoral struggle, without a profound sense of the miseries of an unsheltered franchise, and a sincere desire to apply to them an efficacious remedy. Much talk has recently been current, Sir, respecting an impending dissolution of Parliament within no very long period of time. How far such anticipations are likely to be

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realised, of course, I cannot pretend to say; though, certainly, in the condition of something like "stalemate," to which parties have been brought in this present House, no one can affirm that that event is improbable. But I will confess that the possibility of a general election at no distant date increases my anxiety again to submit this question to the judgment of the House. This is not merely because the subject of the Ballot is one which is regarded with warm interest among a large proportion of the constituencies, and because it is therefore fit that the sentiments of Gentlemen in this House should be tested and proclaimed, either for or against its adoption: it is still more for another reason; — that the proposition of the Ballot has an express and peculiar bearing on the business of election, and that the supposed eve of a general election is a fit season for renewing my protest against those mischiefs and enormities which are inseparable from open voting. Recollecting, as I do, the phenomena of the two last general elections, I cannot permit the repetition of the same intolerable abuses, without again tendering the only remedial proposition which is calculated effectually to subdue or abate them. It is fit that those who acutely feel the dishonour which is thrown upon our public institutions, and the mischiefs which are entailed upon individuals, by the prevalence of corruption and intimidation, — and I believe the number of those persons to be great and increasing, — it is fit that they should be reminded, that if these disorders continue, it is only because the Legislature declines to avail itself of the proper tutelary provisions within its reach. Sir, I do believe that freedom of election, though in practice it is foully trampled upon, is yet a sacred idea, and an object of sincere inward attachment, among the general public. However powerful men may assert the monstrous privilege of dictating votes to those who are poorer than themselves, — however election agents may pride themselves on their skill in hunting down irresolute or reluctant voters, — however much the practical working of contested elections may exhibit compulsory disunion between the vote and the conscience, — still I am persuaded that the right of the country to a free and conscientious expression of opinion from every qualified elector, poor as well as rich, and the right of the elector himself to express such opinion at the poll, without hinderance or injury, is among the most deeply rooted of all our national convictions. To convert this right from a cherished fiction into a useful reality, is the charm and the virtue of the Ballot. If you refuse the Ballot, you virtually discountenance free and public-minded voting; you decree the continued reign of corruption and intimidation; you nourish and keep alive the poisonous taint which infects the life-blood of our representative system. Against this poison, the Ballot is the only antidote, and as such I commend it to your favourable decision. I know not whether you will reject it now; but I feel well assured that you will not reject it long. It now only remains for me to move, "That leave be given to bring in a Bill to provide that the votes at elections for Members of Parliament be taken by way of ballot."

LORD WORSLEY. — Sir, in rising to second the motion, I beg to say that I differ, in one point, from the Honourable Member who has just sat down, — namely, with regard to the extension of the franchise; but I am decidedly of opinion that it is necessary that we should in some way protect the voters to whom we have given the franchise by the Reform Bill. If we do not so protect them, the House will not long retain the confidence of the people. My firm impression is, that if we much longer refuse to give electors the power of voting in the way which their conscientious opinions dictate, we shall find the same discontent in the public mind with our proceedings which existed when I first came into Parliament, before the Reform Bill was carried. I believe that the parties asking for the Ballot, in order that they may be enabled to vote honestly, — and who consider that they have not, at present, the power of giving their suffrages to the candidate whom they think most fit to represent them, — will, if that reasonable request be denied to them, consider that the Reform Bill has not given them real representation. The first time that I had the honour of addressing the House was, I believe, when the Reform Bill was under discussion. I then represented a constituency which I had never seen, containing, I believe, some seven and twenty voters. I thought it necessary that such places should cease to send Members. I thought it necessary that the representatives of the country should be returned by such voters as would give confidence to those who had no votes; and therefore I thought it necessary to extend the suffrage, then, for the purpose of giving that confidence. And now, I cannot help thinking that, if

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that has failed in preventing intimidation and corruption, we have not much bettered the condition of the country. It is no improvement, if we have come, in a different way, to misrepresent the real opinion of the people. I have heard it said, that there are some who suppose that I have been requested to second this motion by some Member of the Government. Sir, I have not been so requested. I have not been requested, either by the Government, or by my constituents; for I must honestly say—as I do not wish in this House to misrepresent in the slightest degree the wishes of my constituents—that if an election were now to take place in my own county by the present mode of open voting, I do not believe their decision would be in favour of the Ballot. But I think it necessary that some protection should be given to the voter, because, as the Honourable Member for London says, the evils are admitted in all the discussions upon the subject; but no remedy for them, except the Ballot, has yet been proposed. Precisely the same objections are made to the Ballot that were made to the Reform Bill. It was denied that the Reform Bill would remedy abuses. It was acknowledged that there were abuses; but it was said that the Reform Bill was revolutionary; and its opponents prognosticated all sorts of evil from its adoption. The other day, a Gentleman who was in the House when the Reform Bill was brought forward, told me that he, himself, then believed that it would be inevitably followed by a repeal of the law of primogeniture. It was said that the cases of intimidation, adduced as grounds for the Ballot, are very much exaggerated,—that persons are very often turned out of farms for bad farming, who represent themselves as having been dispossessed for voting independently. I admit that that may sometimes be the case. But those persons would not make such an excuse, nor would they have the sympathies of the public with them, if the notoriety of the practice did not give this story some colour of plausibility. It is said, also, that there is great exaggeration with regard to the losses which tradesmen suffer,—that where they lose Tory customers, they gain Whig ones. That, too, might happen occasionally. It is added, that a tradesman who quietly gives his vote, and does not meddle in politics farther, does not suffer. But, Sir, I ask, is it to be said that a person, because he is a tradesman, is not to take part in politics? Assuredly, he has as much right as any other man to do so? With regard to intimidation in the counties, my impression is, that the Ballot would prevent it, inasmuch as when it is not known how a person intends to vote, or how he has voted,—(and no one denies that the Ballot would secure secrecy in the act of voting),—it is impossible to know when to visit him with punishment. But I am aware that the objection which weighs with many persons, particularly in my own county, against the Ballot, is, that it would lead to universal suffrage, and, ultimately, to the repeal of the corn laws. That is the objection in my county. But, if I though, it could lead to such results, I certainly would not support the vote by ballot.

[Cheers.]

Now there is a case, which I have never heard mentioned, but which I know has had a very great influence at elections,—(probably the Honourable Member for London did not like to mention it),—I mean the case where bankers in the country prevent persons exercising their votes who are under obligations to their banks. I merely mention the case of bankers, to show that intimidation is practised by more classes than one. It is rather curious, in looking at the different divisions which have taken place on the Ballot, to observe how the numbers in its favour have increased. In 1830, when the Honourable and Learned Gentleman the present Member for Dublin (then Member for Clare) moved that votes be taken by way of ballot at East Retford, he found only 21 Members to support him. In 1833, when the Member for London made his motion for the Ballot, the minority in its favour was 106. In 1834, upon the motion that votes be taken by way of ballot at Hertford, the minority was 82. In 1835, the same motion that is now made was supported by 144. In 1836, when the division took place unexpectedly at an early hour, the minority was 88. In 1837, it was 153; and, in 1838, 198. Sir, after what I have stated to be the opinion of my constituents, it may be said that I am not justified in seconding the motion. It so happened, that I voted before the last election against the Ballot; and seeing reason for changing my opinions, I thought it to be my duty before the election to go through my county; and though I did not at the time see any likelihood of any opposition to my return, still I thought it right to inform the electors that I, who hitherto had been opposed to the Ballot, intended for the future to support it. I did that

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six weeks before the election, so that it is not to be supposed that I have changed my opinions without the knowledge of my constituents. I am aware this statement will be of advantage to the Honourable Gentlemen opposite; at the same time I do not wish to make the House believe that I have taken so decided a part in the debate because I am the representative of a large constituency. I did, indeed, hope that the system of intimidation would not be persisted in; but this hope has been defeated. It was acknowledged by every Member who spoke in the debate of last year, that intimidation was still practised. Under these circumstances, then, I hope that the House will be prepared to act when a remedy is proposed for this evil. The Noble Lord the Secretary of State has offered to do something; but then a change in the mode of registration will not, alone, remedy the evil. I am satisfied, if there be not a remedy applied in the shape of the Ballot, that there are men who now have votes who would be most anxious to have their votes taken from them. But, then, it may be said, why are these men registered? If a man be registered, and not opposed, he continues on the registry; — a man cannot help being put on by the landlord; and it would often be quite as dangerous for the tenant to have his name taken off the registry, as for him to refuse his vote at the election. I admit that there are many acts done on the part of the landlord, of which he has not any knowledge. Possibly this does not make the case any better; but such I believe to be the fact. I know, for instance, this case — connected with the steward of a near connection of my own. I asked this steward how the tenants of a certain landlord who was abroad would vote? — to which the man replied that they would of course all vote with their Tory landlord. I asked the steward how that could happen, when the landlord was not in the country at the time? and why they should not be allowed to vote as they pleased? To this the steward replied, that on canvassing the tenants he would not think of claiming their votes from the 40*s.* freeholders; that they might give their votes as they pleased; but that he did claim the votes of the 50*l.* tenants at will; and that he could not think he did his duty to the landlord if he permitted those who claimed a vote by reason of their renting land from the landlord not to give to the same landlord their vote. The steward who said this, I must add, was an excellent and a very conscientious man, and, I believe, really thought it was his duty to act in the manner I have just described. I am not one of those who think that vote by ballot would take away the legitimate influence of property. I am not in the habit of addressing the House; but I think it right, now, to read to them an extract from a speech of a Noble Lord, to whom Honourable Gentlemen used to listen in this House with great attention. That Noble Lord (Lord Althorp) stated, upon a discussion of the same kind as this, what he believed with respect to the Ballot, and its affecting the due influence of property. Upon that occasion, Lord Althorp said, —

> There is no man in the House more sorry than I should be to see the legitimate power of the aristocracy put an end to. For what is that power? The influence of affection and of kindness. The power of property is always legitimate, when it is solely a power over the affections of those around us; but there is sometimes another influence arising from it, namely, that of intimidation, and of preventing persons from voting by reason of their fears. I do not see how election by ballot can diminish the legitimate influence of the aristocracy; but, at the seme time, I do not see how it would allow the exercise of the illegitimate influence of fear.

This, too, is my opinion; and if it were not so, it is not at all likely that I should be so anxious for its success. I firmly believe that if an effectual remedy be not proposed for those abuses, it will be believed that those who voted for the Reform Bill were not sincere in their wishes for a fair representation of the people; while it will be said that those who originally opposed the Reform Bill, and now proclaim their intention to abide by its provisions, only mean to avail themselves of its abuses, — and the sincerity of their declarations will not, therefore, be believed by the country.

On the question being put, —

Mr. GASKELL said: — Sir, there was one position laid down by my Honourable Friend the Member for London in which I most fully concur. My Honourable Friend said, that on no former occasion has this question excited such interest in the public mind as at the present moment. On that point I concur with my Honourable Friend; but I trust that no one who has hitherto been unconvinced by argument, will suffer himself to be deterred either by the course which the Government is about to take, or by any inflammatory appeals which may be made to him out of doors, from a manly

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discharge of his duty to his country on this occasion. There appear to me to be three opinions upon this question. The first is the opinion so ably and honestly advocated by my Honourable Friend the Member for London. The second is an opinion which, I believe, is entertained by many Honourable Gentlemen on the benches opposite, — and among them, I rather think, by my Noble Friend the Member for Lincolnshire, — that the Ballot is a question of secondary importance only, and that its probable effects, both for good and for evil, are greatly overrated. The third opinion — which is entertained, I believe, by the great bulk of the people of England, and by a still greater majority of their representatives —is, that a secret system of voting is at variance with all their ordinary habits and feelings, inconsistent with the whole framework of their institutions, and calculated, if adopted, to inflict a deadly blow both on the stability of the constitution and on the character of the people who live under it. I am well aware that my Honourable Friend the Member for London entertains a very different opinion, and that he is quite sincere in the maintenance of it. I honour the ability and admire the single-mindedness with which my Honourable Friend has so long advocated the expediency of secret voting. But, with a large proportion of those who now so loudly clamour for the Ballot, I believe that protection is the pretext, whilst ascendancy is the real object at which they aim. "Speciosa verbis, re inania aut subdola, quantoque majore libertatis imagine tegebantur, tanto eruptura ad infensius servitium." Undoubtedly, if the elective franchise were the inherent right of every individual, of which he could not be deprived without injustice, I could understand the arguments employed by the advocates of the Ballot. But that is a position which cannot be taken up even by the advocates of the Reform Bill, for they have not made the franchise universal. I therefore have a right to assume that the Legislature has confided the franchise to the 10*l.* householder, not as a privilege for his own benefit, but as a trust for the benefit of the state; and if the franchise be a trust for the benefit of all, I have yet to learn on what principles of justice you can debar the public from marking the manner in which it is exercised. I have listened on this occasion, as I have listened on former occasions, with the greatest attention, to the speech of my Honourable Friend the Member for London; and it appears to me that his whole case rests on the unproved assumption that the blind and unreasoning will of the numerical majority of the electors ought to govern the country. From that doctrine I totally dissent. Indeed, I cannot take a single step in company with my Honourable Friend. I differ with him not only as to the end, but also as to the means of good government; for I imagine that nothing could be more destructive to the principles of the constitution, than that any set of men should exercise, under it, an uncontrolled and irresponsible power. It likewise appears to me that you would place Members of Parliament in this House in a very invidious position by establishing the vote by ballot. You would deprive them of all intercourse with their supporters. You would sever the ties which connect them with their friends and tenants. You would deprive them of that protection which they stand at least as much in need of, from the pressure of undue influence from without, as the voter requires it, from the arbitrary exercise of power. Sir, I ask, are not Members of the House of Commons to exercise their functions publicly? They are, most undoubtedly; and I, for one, do not complain of such an objection, for I will never conceal any vote which I may give, either in a polling booth, or in the House of Commons. What I mean to say is, that every reason for secret voting at the hustings is equally good for secret voting in the House of Commons.

[Cries of "Oh!"]

Observe, I am not maintaining that any arguments of mine are decisive against the Ballot — I am only urging them to show that a project like this, which would introduce a great change into our institutions, ought not to be adopted on light grounds. What, I will ask, are the arguments on which the House is called upon to depart from every acknowledged principle of the constitution? We have heard it stated, that bribery and intimidation prevail throughout the country to an enormous extent; and that for such practices the only remedy is the Ballot. Now, the proposition, that the Ballot would be effectual in suppressing corruption, is a proposition so extraordinary, that I can scarcely believe the Honourable Members who advance it are serious in their use of it. If my Honourable Friend had contented himself with saying that the Ballot would prevent the open sale of votes,

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I could have understood what my Honourable Friend meant; but, surely, my Honourable Friend cannot seriously venture to assert that it would put an end to secret corruption. But the Ballot has been tried as a mode of checking corruption before now, and has failed utterly.

[Cries of "Name where!"]

As I am so pointedly called on, I will name where. It was tried at Rome, for 85 years, and failed utterly.

[Cries of "Oh, oh!"]

It was tried, also, in the Italian republics; and there, too, it failed utterly.

[Cries of "Oh, oh!" and cheers.]

It has been tried, too, in the United States ——

[Cries of "Oh, oh!"]

— and what say the professed patrons of republican institutions as to its success there? It is said by an authority to which, I suppose, some of the Gentlemen opposite who cheer so loudly will be disposed to attach credit — it is said by Miss Martineau ——

[Loud laughter, and cries of "Oh, oh!"]

— it is said by that lady, that "the constituencies of America are generally corrupt; that any reasons might be urged for their votes, rather than the dictates of their conscience; that a general indifference prevails among them with respect to the fulfilment of their political duties; and that if they are ashamed of their mode of discharging the functions of public life, they ought also to be ashamed of undertaking them." I am not, however, attributing corruption to the Ballot; all I contend for is, that the Ballot has an inevitable tendency to extend it. For, frame what laws you please, as long as there are ambitious men who are rich, and as long as there are avaricious men who are poor, so long will you have men who will strain every nerve to evade them. I am not prepared to deny the prevalence — or I should rather say, the existence — of intimidation at elections. Wherever instances of it occur, I deplore them; but they constitute the exception, and not the rule. I believe that, in every nine cases out of ten, the connection between the landlord and the tenant is one of pride on both sides; and that, if the question were put to the tenant, he would be the first to repudiate the boon offered to him by this Bill. I avow that I do not wish to see men free from external influence in the discharge of their public duty.

[Cries of "Oh!"]

And even if I entertained such a wish, I should not be inclined to adopt a remedy which is calculated to sow the seeds of destructive mischief in our constitution. I believe that it is by the exercise of that influence which my Honourable Friend opposite would destroy, and by the example of that character which my Honourable Friend would remove, that our constitution is preserved and rendered immoveable. In times of excitement, indeed, the usual ties between landlords and tenants may be disregarded; but in ordinary times I know that tenants are unwilling to run counter to their landlords. So far am I from considering that as an evil, that I regard it as high praise of the constitution of society amongst us; I look upon it as the best practical tribute to the practical working of our admirable form of civil government; and I do believe that if you take away or diminish the due and legitimate influence of property, you do much to weaken the stability of the mixed form of government in this country. But it is said that, when this influence is exerted too freely, it prevents the representation from being the mirror of the elective body. But a mirror too closely breathed upon must soon become dim, and a House of Commons which is the mere delegate of the people will soon cease to be the representative of the people and intelligence of the country. I have no wish to see property deprived of its just influence in the return of Members to Parliament. I recollect that Mr. Burke, in his celebrated *Reflections on the French Revolution*, said, that "as property is sluggish, inert, and timid, it never can be safe from the invasions of ability, unless it is out of all proportion predominant in the representation." He also contended that "it must be represented in large masses of accumulation, or that it would not be rightly protected;" and he concluded by stating, that "let the large proprietors be what they would, — and they had their chance of being among the best, — they were, at the very worst, the ballast in the

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vessel of the commonwealth." The same opinions were expressed by the Whigs of the present day, so late as the year 1831. I was not at that time a Member of the House; but I remember well the reply which was made by the Lord Advocate for Scotland to the argument used by Mr. Croker, that the influence of property would be destroyed by the Reform Bill. That Learned Lord said, "In no quarter is it contended that property ought not to have a large influence in the return of Members to Parliament; but my complaint against the old system is, that it removes a large proportion of the old boroughs from the legitimate influence of the property by which it is surrounded." I hope that the opinions of the Cabinet of Earl Grey have not been discarded by the Cabinet of Lord Melbourne.

[Cheers from the Opposition benches.]

I confess that I have of late rejoiced exceedingly at finding the Noble Lord the Member for Stroud hoisting the constitutional banner, — and avowing to his constituents, that if they wish for further changes in the constitution, they must not expect him to be their leader, nor look to him for support. I hope that the Noble Lord, when he was expressing that opinion, was expressing the opinion of an undivided Cabinet; and that the Right Honourable Members for Nottingham, for the West Riding of Yorkshire, and for Manchester, are fully convinced of the danger of hazarding those changes which their Noble Leader opposes. If they are not so convinced, then the House will have reason to regret that the Noble Lord has perilled his fair fame by remaining in a Cabinet divided on so important a topic. Then we may say to him, as he said in the year 1835 to the Honourable Baronet the Member for Kent, — "*Nusquam tuta fides.*" It has been said, moreover, that the Ballot is demanded by the voice of the people. Indeed! why we have had but five or six petitions in favour of it.

[Cries of "Oh, oh!" from the Ministerial benches.]

True, there have been petitions from Leominster and Westbury; but those petitions can never be considered as speaking the sense of the people of England. To use a phrase of Burke's, we are not, "because half a dozen grasshoppers under a fern are making the field ring with their importunate chink, whilst thousands of great cattle, reposing beneath the shade of the British oak, are chewing the cud and are silent," — we are not, I say, on that account to imagine that "those who make the noise are the only inhabitants of the field, or that, after all, they are other than the little shrivelled, meagre, hopping, the loud and troublesome insects of the hour." If there were any real apprehension in the country that this question will be conceded, the table would be covered with petitions against the vote by ballot; but the people of England entertain no such apprehension. If this House should, unhappily, be induced to adopt this revolutionary measure from a morbid desire of popularity, then, Sir, in my conscience, I believe that they will strike a fatal blow against the civil liberties of the nation.

Mr. T. B. MACAULAY.—I could have wished it had been in my power to give a silent vote on the present question; but the deep interest which I take in the success of the motion, and my sense of what I owe to that large and respectable portion of my constituents whose voices have sent me to this House, induce me to seize an opportunity of expressing the opinions which I have formed on this subject. But before I make any remarks upon the question immediately before the House, I wish to advert, for a short time, to one topic which has excited the greatest interest throughout the country, and to which the Honourable Gentleman who has just sat down has made some very sarcastic, and not, I think, exceedingly well-judged, allusions. It is generally understood that her Majesty's Ministers have determined that the question of the Ballot shall be an open question; that all the members of the Government shall be free to speak and vote on that question according to their individual opinions. It is natural that this determination should excite censure on the one side of the House, and applause on the other. For my own part, I must say that, without any reference whatever to my own opinion on this particular question, I am inclined, on higher and more general grounds, to approve of the determination of the Government. I rejoice to see the number of open questions increasing.

[Renewed cries of "Hear, hear!"]

I rejoice to see that we are returning to the wise, the honest, the moderate maxims

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which prevailed in this House in the time of our fathers and grandfathers.

[Laughter from the Opposition, and cries of "Hear, hear!" from the Ministerial Members.]

I say that the practice of the House in this respect has undergone, in very recent times, a great change. I believe that another change is now taking place, and that we are reverting to a more prudent and rational system.

[Cries of "Hear, hear!" and, "Oh, oh!"]

To what precise extent it is desirable that the Ministers of the Crown should act in strict concert together in Parliament on the various legislative questions that come under consideration, is an exceedingly nice question ——

[Cries of "Hear, hear!" and laughter from the Opposition benches.]

—a question to which, so far as I am aware, no rigid and strictly drawn rule can be applied.

[Renewed laughter, and cries of "Oh!" from the Opposition benches.]

Honourable Gentlemen on the other side, who laugh, no doubt, possess a great advantage over me; they are probably aware of much that may have passed during the last four or five years on this subject, with which I am unacquainted. But I am not aware that any speculative or practical statesman has ever been found, either in writing or speaking, to take any distinct line on this subject, and to trace out a definite line of action; for the observance of political prudence in all cases is, I believe, difficult, and perhaps impossible. It is perfectly plain, however, that there are but three courses possible, with respect to the conduct of Ministers in dealing with legislative questions: either they must agree on all questions whatever; or they must pretend to agree where there is a real difference; or they must have open questions, and leave each individual member of their body to take the course which his own opinion and inclination may dictate. Now, that there should be a perfect agreement between Ministers on all questions, we know to be impossible. This is not my expression; it is the expression of one who was, for a long time, the brightest ornament of this House—Lord Chatham. That great man said,—

> Talk of divided houses! Why, there never was an instance of a united Cabinet! When were the minds of twelve men ever cast in one and the same mould?

We know that, even if two men are brought up together from childhood,—if they follow the same course of study, mix in the same society, communicate their sentiments to each other, on all topics, with perfect freedom, and exercise a mutual influence in forming each other's mind,—a perfect agreement between them, on political subjects, can never be expected. How, then, is it possible that this agreement can subsist between a Cabinet of several persons imperfectly acquainted with each other? Every Government—I speak neither of the present Government, nor of the late Government, nor of the Government which seemed about to be formed the other day—is constructed in such a manner that forty or fifty gentlemen, some of whom have never seen each other's faces till they are united officially, and who have perhaps been in hot opposition to each other all their lives,—are brought into intimate connection. I mean to cast no reflection whatever on either side of the House; but such is the general character of all Governments, and complete unanimity in any is out of the question—would, in fact, be an absolute miracle. Only two courses, therefore, remain. Either there will be a semblance of unanimity, where unanimity really is not, or each person must be left to act on his own opinions. I do not profess any extraordinary degree of prudery on matters of political morality. I am perfectly aware that, in Parliament, it is impossible anything great can be done without co-operation; and I am aware that there can be no co-operation without mutual confidence. I admit, therefore, that men are justified, when united into a party, either in office or in opposition, in making mutual concessions,—in opposing measures which they might, as individuals, think desirable,—in assenting to those which they might consider objectionable, and giving their votes, not with reference to the mere terms of the question put from the chair, but with reference to the general state of political parties. All this I admit. If there be any person who thinks this wrong, I respect the tenderness of his conscience, but I would say that that person's vocation is not for a public life. That person should select a quieter path for his passage through life; one in which he might play a useful and respectable part; but he is

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as completely unfitted for the turmoils of political strife as a Quaker, by his religious principles, is prevented from undertaking the command of a regiment of horse. But although I thus far admit the principle of party combinations, I must also admit that they may be carried too far — that they have been carried too far. That a Member of the House should say "No!" to a proposition which he believes to be essentially just and necessary,—that he should steadily vote, through all its stages, in favour of a Bill that he believes would have pernicious consequences, — is conduct which, I should think, could not be defended. Such a course of action is not reconcileable to a plain man, whose notions of morality are not drawn from the language of casuists. I only defend the principle of mutual action among political partisans, as being a peculiar exception from the great general rules of political morality; and it is clear that an exception from the great rules of political morality should be most strictly construed, — that it should not be needlessly extended, — and, above all, that it should not be converted into the rule. Therefore I say that, in a Government, any concession of opinion which is not necessary to the efficient conduct of affairs, to cordial co-operation, is to be looked upon as unjustifiable. In saying this, I am not pleading for any innovation; I am attacking a modern basis of action, and recommending a return to the sounder and better maxims of the last generation. Nothing is more common than to hear it said, that the first time a great question was left open was when Lord Liverpool's Administration left the Catholic question an open question. Now, there cannot be a grosser error. Within the memory of many persons living the general rule was this; — that all questions whatever were open questions in a Cabinet, except those which came under two classes, — namely, first, measures brought forward by the Government as a Government, which all the members of it were, of course, expected to support; and, secondly, motions brought forward with the purpose of casting a censure, express or implied, on the Government, or any department of it, which all its members were, of course, expected to oppose. I believe that I lay down a rule to which it will be impossible to find an exception: I am sure I lay down a general rule when I say that, fifty years ago, all questions not falling under these heads, were considered open.

Let Honourable Gentlemen run their minds over the history of Mr. Pitt's Administration. Mr. Pitt, of course, expected that every gentleman connected with him by the ties of office should support him on the leading questions of his Government — the India Bill, the resolutions respecting the commerce of Ireland, the French commercial treaty. Of course, also, he expected that no gentleman should remain in the Government who had voted for Mr. Bastard's motion, of censure on the naval administration of Earl Howe, or for Mr. Whitbread's motion on the Spanish armament; but, excepting on such motions, brought forward as attacks on the Government, perfect liberty was allowed to his colleagues, — and that, not merely on trifles, but on constitutional questions of vital importance. The question of parliamentary reform was left open; Mr. Pitt and Mr. Dundas were in favour of it, Lord Mulgrave and Lord Grenville against it. On the impeachment of Warren Hastings, likewise, the different members of Government were left to pursue their own course; that Governor was attacked by Mr. Pitt, and defended by Lord Mulgrave. In 1790, the question whether the impeachment should be considered as having dropped, in consequence of the termination of the Parliament in which the proceedings were commenced, was left an open question; Mr. Pitt took one side, and was answered by his own Solicitor General and by Sir J. Scott, afterwards Lord Eldon. The important question respecting the powers of juries in cases of libel was left open; Mr. Pitt took a view favourable to granting them extensive powers, Lord Grenville and Lord Thurlow opposed him. The abolition of the slave trade was also an open question; Mr. Pitt and Lord Grenville were favourable to it, Mr. Dundas and Lord Thurlow were among the most conspicuous defenders of the slave trade. All these instances occurred in the space of about five years. And are they not sufficient to prove how absurdly and ignorantly those persons speak, who tell us that the practice of open questions is a mere innovation of our own time? There are men now living — great men, whom I hold in honour and reverence, — Lord Grey, Lord Wellesley, Lord Holland, and others, — who well remember that, at an early period of their public life, the four questions of impeachment, the law of libel, the slave trade, and parliamentary reform were all open questions, supported by one section of the Cabinet and opposed by another. Was this the effect of any extraordinary weakness or timidity on the part of the statesman then Prime Mini-

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ster? No; Mr. Pitt was a man whom even his enemies and detractors always acknowledged to be a minister who possessed a manly, brave, and commanding spirit. And was the effect of this policy to enfeeble his Administration, to daunt its adherents, to render them unable to withstand the attacks of the Opposition? On the contrary, never was there an Administration which, on party questions, presented a firmer or more serried front to Opposition. And the firmness of his followers is to be ascribed, in a great measure, to the liberty they enjoyed. We have had an opportunity of comparing the results to which the two different systems led. Formerly questions arose, on which two or more members of the Cabinet took different sides; a reasonable difference of opinion was allowed, and the stability of Government was not impaired: but now, as soon as any Minister declares that he cannot coincide with another on a question of any importance, the Cabinet is broken up. We all recollect that, in 1828, the Government of the Duke of Wellington was deprived of the services of several persons of distinguished ability, in consequence of a difference for which, I firmly believe, not one of Mr. Pitt's colleagues would have thought of resigning. The line has been drawn, of late, with overstrained strictness, and I am glad to see that better maxims are now gaining ascendancy. I am satisfied that her Majesty's Ministers will find that, by taking this course on the present question, they have increased their strength and raised their character.

[Cries of "Hear, hear!" from the Ministerial benches.]

And now to come to the particular question before the House. I shall vote for the motion of the Honourable Member for the city of London; and I wish to explain, that, in doing so, I merely understand myself to be recording a declaration in favour of the principle of secret voting. I desire to be understood as reserving to myself the right of withholding my support from any Bill which, on examining its details, shall not appear to me to provide a machinery that will secure secrecy and prevent fraud and intimidation; and I must reserve to myself the right of considering how far I can, with propriety, give my support to any Bill which shall not be either accompanied or preceded by some measure for improving the mode of revising the registration. I should think it most disingenuous to give a popular vote, saddled with conditions which I thought either impossible or exceedingly difficult of fulfilment. Such is not my opinion with regard to those which I have mentioned. I entertain no doubt that it is possible to provide a machinery which will protect the interests both of the voter and the country, by insuring all the secrecy of which the transactions of human life will admit. And I have as little doubt that it is possible to devise a tribunal whose decisions before the election shall command as much public confidence as the decisions of the committees of this House after election.

[Cries of "Hear, hear!" and laughter.]

Subject to these two conditions, I give my support to this motion for establishing the vote by ballot. But I cannot say that I do so on all the grounds on which many of the supporters of the Ballot rest their case. I by no means consider, as many of them appear to do, that it is a question respecting which all the arguments urged are upon one side, and that there can be no set-off to the great advantages that may result from the adoption of secret voting. So embarrassing appear to me the difficulties that beset the subject, that I am not surprised that many wise and virtuous men should have arrived at a conclusion differing from my own. In this, as in every other question that can test the prudence and experience of men, we must expect to find a balance of good and evil. And, first, I will admit that secrecy would withdraw the voter from the influence of some good as well as some bad motives. I admit that it would take away the salutary check of public opinion, as well as the pernicious influence of intimidation. But I am compelled to take refuge in the Ballot—and select that which, to the best of my judgment, is the least of two evils. I am not sure that I quite agree with the Honourable Member for the city of London in thinking that it would be an entire preservative against bribery; on that point, I confess, I am inclined to dissent from the Honourable Member.

[Cries of "Hear, hear!" from the Opposition.]

In small constituent bodies I think that bribery, under a system of secret voting, would continue to exist, though, at the same time, without any material aggra-

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vation. But I support the Ballot chiefly on this ground, — I consider it as the specific, the only remedy for the monstrous evils of intimidation.

[Loud cries of "Hear, hear!" from the Ministerial benches.]

There was a time when — like the Noble Lord who seconded the motion of the Honourable Member for London — I was inclined to think that this evil, like many others which had yielded to the force of public opinion and the progress of intelligence, would die a natural death. That hope I have been compelled to relinquish; I believe the evil to be a growing evil; I am satisfied that it has considerably increased within the last seven years, and I believe it has increased within the last three years. I cannot disguise from myself that the growth of this evil is in some measure to be imputed to the Reform Bill; and, in saying this, I impute to the Reform Bill only that imperfection which is common to it with every other great measure. The reformation of the church has produced classes of social and moral evil unknown in the times of the Plantagenets. The revolution has produced descriptions of abuse unknown in the times of the Stuarts: and I believe that the Reform Bill, though on the whole it has conferred great blessings on the country, has, like the great changes which I have mentioned, produced some new evils, and aggravated others of old standing. It has swept away many abuses; but it seems to me to have given new life and more malignant energy to those which it spared. It has stopped up many of the channels of corrupt influence; but within those which it did not stop the stream not only runs on, but runs deeper, stronger, fouller than ever.

[Loud cries of "Hear, hear!"]

If it does not destroy, it at least restricts within narrow limits the ancient practice of nomination; but, by doing so, I believe it has given a new impulse to the spirit of intimidation, — and that, too, at the very moment when it conferred the franchise on thousands of electors who were placed precisely in that situation in which they were most liable to the influence of terror. I cannot close my eyes to the evidence of these evils, accumulated from all quarters: if any credit can be given to the outcries which have been raised in every quarter of the kingdom, not — by one party only, but by Tories, Whigs, and Radicals, — from England, Scotland, and Ireland, — I must believe that there are now sitting in this House Gentlemen who owe their seats to votes extorted by fear.

[Loud cries of "Hear, hear!" from the Ministerial benches, repeated from the Opposition.]

And I say that if there be any Gentleman in this House who owes his seat to such practices, it would be infinitely better he sat here for Old Sarum; for, sitting for that borough, he would be no representative of the people: nor is he now; but, at Old Sarum, there could be no threats, no ejectments, no struggle in the breast of the elector between regard for his public duty and regard for his private interest. There, the alternative could never be put to any elector, whether he would abandon his principles, or reduce his family to misery. All tyranny is bad, but the worst is that which works with the machinery of freedom.

[Renewed cries of "Hear, hear!"]

Under an undisguised oligarchy, the people suffer only the evil of being governed by those whom they have not chosen. But in the other case, to whatever extent intimidation mixes itself up with the system of popular election, to that extent the people suffer both the evil of being governed by those whom they have not chosen, and the evil of being coerced into a professed choice. And the more wide the basis of the elective system, the worse are the mischiefs arising from it. The more human beings are converted into machines, through which some great proprietor may express his pleasure, the greater is the quantity of misery and degradation.

The Noble Lord who has seconded this motion said, and most justly too, that he did not wish to deprive wealth of its legitimate influence. Under any system, wealth must attain its legitimate influence. Wealth is power; and power, properly used, — with kindness and justice on its side, — necessarily inspires affection. Wealth — or that which is so, compared with what is possessed by the great mass of electors, — is closely connected with intellectual superiority. It enables its possessor to select and prosecute any study to which he may be inclined; to continue it when those who commence life with him under less favourable circumstances are forced to drudge for their daily bread; to enlarge his mind by foreign travel; to

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acquire an intimacy with the history of nations, and with the arts and sciences. These are advantages to which it is impossible that constituencies can be blind;—nay, going much below those who form the present body of electors, and descending to the very lowest of the populace, it never is found that even in their wildest aberrations they choose a leader destitute of these recommendations. This is the natural, the indestructible, the legitimate, the salutary influence of wealth.

[Cries of "Hear, hear!"]

Whatever is more than this is corruption; and if it be thought necessary, as it appears from the speech of the Honourable Member who last spoke, that some persons in this House do think it necessary, to maintain the influence of bribery in our elective system,—then I say, that, incomparably, the best and the least objectionable method is that of open bribery. But against bribery, we have enacted laws,—against bribery, we have passed resolutions,—for bribery, boroughs are disfranchised,—for bribery, Members are unseated,—for bribery, indictments and informations are preferred,—for bribery, the penalties extend both to the elector and the elected—one man is disqualified, another man fined. On what principle do we inflict penalties on the elector?—on what principle but this,—that, from having dealt in pecuniary corruption, the elector is no longer fit to exercise the right of voting? But what is the operation of intimidation? It is this:—"Vote with me, or you give up my custom. Vote with me, or you give up your farm." Or it is thus:—"Vote with me, and I will give you 20*l.* for a pair of boots."

[Loud cries of "Hear, hear!" from the Ministerial benches, met by cries of "Oh, oh!" from the Opposition benches.]

Why, surely, it is notorious that this is one of the constant forms of corruption. "Vote with me, and I will give you 20*l.* for a pair of boots," is a common and constant form of corruption; though less so, perhaps, because less easy, than "Vote for me, or I will carry my custom to the bootmaker's in the next street." But the truth is, that I almost dissent from the very form of expression which the Honourable Member for the city of London has made use of in his very able speech, in reference to this part of the subject. I object to making an antiphrasis between corruption and intimidation. Intimidation is corruption,—corruption stripped of everything that may seem to lend it a grace—stripped of all that conciliates—stripped of every affinity to hospitality and good humour—stripped, in short, of every colour of any kind of excuse which can be invented to recommend or adorn it; it is corruption presented in a form more loathsome, even, than its own end. It is corruption working by barbarity. Let it be considered, too, that corruption of this sort is the easiest, because it is the cheapest of all. People cannot lose by a promise; to corrupt by giving, costs something—thousands; to corrupt by threatening costs nothing but a crime. They only think superficially, who suppose that corruption is to be exercised by giving, but is not to be exercised by taking away, and by threatening. The man who practises intimidation is under no necessity of mortgaging his estate to prepare for an election; nay, at the same time that he improves, perhaps, his lands, and by the very mode of administering the economy of his family, is he able to effect, by intimidation, the purposes of corruption,—and that to a greater extent, and with more complete demoralisation, than was ever practised in Grampound or East Retford. But though intimidation be more easy than corruption to practise towards the poorer classes of men, the feelings with which those men view the relation of the two things are very different. It is much more easy and agreeable for a man to refuse that which he never had, than to submit to be pillaged of that which he is accustomed to have. Many a man who would throw away with scorn the purse of any one who came to bribe him, is now obliged to vote against his conscience and his wishes, for fear of an ejectment. And this form of corruption, be it remembered, must tell,—for it may be practised with perfect impunity. You can punish the good-natured corruption which wins men's minds under the semblance of making them happy; but you cannot reach, to punish, that ill-natured kind of corruption which makes them miserable.

[Loud cries of "Hear, hear!" from the Ministerial benches.]

You cannot set up a tribunal which shall have a right to ask of the landed gentry throughout the country such questions as these:—"Why did you part with such a tenant? Was it because he did not pay his rent? If he did, why

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don't you renew his lease?" How would such a question have been brooked, at the last election for Westminster, as, "What has such and such a tailor done, that you have turned him away and taken another?"

[Cries of "Hear, hear!"]

Evidently such a system would be iniquitous in the extreme. Property ceases to be property, if men cannot hold it without being liable to be called upon to give a reason why they may have thought fit to discharge any one of their tradesmen. Still I feel convinced that something must be done. This is a growing evil; the number of cases we hear of become more and more frequent every election; it is an evil more subtle han any against which you direct the sharpest censures of the penal law; and yet it is not by penal laws that you can put it down, because it is so mixed up with property, that if you strike at it by a penal enactment, you inflict a blow on the rights of property at the same time. As, therefore, punishment is out of the question, and as the evil, beyond all dispute, ought to be abated, we are bound to try the means of prevention. What means, then, have been suggested? Absolutely none, except this of the Ballot. Here, then, or nowhere, we have the desired remedy; here, or nowhere, must we find the means of reconciling the rights of property with the right of suffrage. It is not only those who possess property that have "a right to do what they will with their own." The estate is the landlord's, —the vote is the tenant's. "So use your own rights," is the language of all civil as well as moral law, "as not to interfere with the rights of others." But here, it should be remarked, you cannot give the one right without infringing on, or rather destroying, the other. You cannot give the tenant that right of open voting which the tenant ought to have, without giving to the landlord what the landlord ought not to have. On the other hand, you cannot adopt any measure for rendering the right of voting, openly, inviolable and sacred, without interfering, at the same time, with the whole texture of that system of property which ought to be equally sacred. If you were to adopt such a step, you would find that you had only got an imperfect and inadequate change of the present system, at the expense of that on which is founded the national credit, wealth, prosperity, and liberty. It does, then, in my opinion, become imperative upon us to consider whether there is not found in the Ballot all that is required? whether the Ballot would not give equal and perfect protection to the voter? and whether the Ballot, and the Ballot alone, would not give to each class, all that each class ought to have, and nothing more? If this would be the effect of the Ballot— which I believe it would be, — if here, and here alone, we can find that solution of so many important political problems for which we all are desirous,—surely no slight difficulties, or apprehensions of difficulties, ought to deter us from the adoption of it. But what is the nature of the objections that are generally urged against it? The objection — though by no means the only one which has been raised — which to me appears to present the real difficulty in the way of carrying through such a measure, is the moral objection.

[Loud cries of "Hear, hear!" from the Opposition benches.]

Many ingenious and lively things have been said against the Ballot; but it is my belief that if, in the minds of the people, the moral objection were once disposed of, nothing could prevent their carrying on the principle of the Ballot in a single Session. As for the objection itself, much as I respect the opinions of those who urge it, I must confess that I do not think it is a sound and well-considered objection. I believe that many able and excellent persons sincerely entertain a different opinion on the matter; but I do not think that those persons have duly considered the moral evil which is the effect of the present system.

[Loud cries of "Hear, hear!" from the Ministerial benches.]

If it be an immorality, as every one considers it to be, to tell an untruth, surely it is, at least, equally immoral so to use a public trust, which is reposed in us for the public good, as may enable us to avoid a private loss. If it be un-English for a man not to dare to own the vote that he has given, surely it is more "un-English" not to dare to vote as he thinks right. When the word "un-English" is used, I feel compelled to contrast our idea of that bold and sturdy independence which has been our great pride as a national characteristic, with the situation of a man who, holding his farm from year to year, is compelled, by fear of pecuniary loss and ruin, to poll against him whom he wishes

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to see chaired, and to vote for the candidate whom, with all his heart, he would see well ducked. At present, we know that many dishonest votes are given; but let a system of secrecy in voting be introduced, and we should have honest votes, although the parties might afterwards deny that they had given them. Which is the greater evil of the two? God forbid that I should say anything which should seem to extenuate the guilt of falsehood! but God forbid, also, that I should not make some allowance for the poor as well as for the rich! God forbid that I should see more distinctly the mote in the eye of the 10*l.* householder, than the beam in the eye of a baronet or a bishop!

[Cries of "Hear, hear!" and much laughter.]

If our morality be anything more than capricious favour or mere pretext, we shall have ample opportunities of exercising it, without waiting till the Ballot becomes the law of the land, or without even descending below our own rank in life. If it be criminal in a man to utter an untruth for the purpose of guarding a secret against private curiosity, then I say that we may find many criminals of a far higher station, and of a far more cultivated intellect, than the butchers and bakers, about whose veracity we are now so anxious. I will take a single illustration from the case of anonymous writers. It is perfectly notorious that men of high consideration, men of the first distinction, have written books, and published them without their names, and on being questioned on the point, have denied that they were the authors of the works they had written; and yet this denial does not prevent them from being generally considered with respect and kindness in society. We have also seen casuists of great repute defend those parties. One illustrious name I will instance, which will, no doubt, suggest itself to all who hear me, — the name of a man of first-rate genius, of excellent principles, and a noble spirit, — I need hardly add the name of Sir Walter Scott. Sir Walter Scott published, without his name, that eminent and popular series of novels which has endeared him to all his countrymen, — nay, almost to all the world, — and which I, for one, cannot think upon without feelings of the deepest admiration and gratitude. Sir Walter Scott published that series of novels anonymously, and, to all questions put to him on the subject, persisted in denying the authorship of them, till at length he consented to drop the veil of concealment, and acknowledged them to be the productions of his pen. Now, I ask — and I appeal to many who were personally acquainted with that great man — I would ask, did this concealment and subsequent avowal of his name reflect any shame on the character of Sir Walter Scott? Did any one of the large and splendid circle of his friends and admirers consider that Sir Walter Scott had dishonoured himself by this proceeding? All that I demand is this; — that in our moral dealings we should consult the feelings and impressions of other classes, as well as that to which we have the happiness to belong, — that we should weigh with one weight, and deal with one measure, to all alike, — that we should afford the same protection to the feelings of the poor man from the tyrannical interference of his superiors, as we allow a gentleman to use to protect himself from the curiosity of other men. *If I* were asked by a secret voter what he should say, if questioned on the subject of his vote, I should advise him to tell the truth and take the consequences, just as I now should advise him to give his vote according to his conscience, under the existing forms, and take the consequence. We have no right to expect sacrifices and moral courage of this kind from everybody; but I believe there are still a great number of "village Hampdens," who give their votes openly, do avow them, and take the consequences, despite the unjustifiable and inquisitorial interference of their richer neighbours. On the other hand, it is those who, under existing circumstances, give dishonest votes, who, under the Ballot, would venture upon a denial of their votes; and of the two alternatives — of the two chances of evil — I think the latter is to be preferred. In short, if the voters cannot at once keep faith with their country, and with their corrupters, I am one who wish that we should have a system by which their faith may be preserved to their country, and broken to their corrupters.

[Loud cries of "Hear, hear!" from the Ministerial benches.]

The subject, Sir, in short, resolves itself into this simple question, — whether the great settlement of the elective system achieved by the Reform Bill is, indeed to be final?

[Loud cries of "Hear, hear!" from the Opposition benches.]

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Upon this question I have always understood, with the Honourable Member for London, that the Ballot was a reserved question; and I never conceived that any person, by supporting the Reform Bill, was thereby compromised on the subject of the Ballot. Now, with regard to that much discussed point, the finality of the Reform Bill, I know my own sentiments, and those I will express. I have always regarded that great measure with reverence — but with a rational, not a superstitious reverence. On all the principles on which I supported that measure, I conceive that I am bound, on good cause being shown, to amend it. But the question, whether it ought to be amended, or not, is one which, in my mind, should be discussed and decided on no other principle than that of the public good. And in this view of the case, I do say that there appear to me to be strong arguments against frequent and violent changes in our constitutional system. The revolution of 1832, — for revolution it was, and a most fearful and sanguinary revolution it would have been in any other nation than this, or at any other period, — that revolution was effected without civil disorder, and without the effusion of blood; but, unquestionably, the passing of the Bill was attended with much excitement and danger.

[Loud cries of "Hear, hear!" from the Opposition benches.]

That excitement and that danger I am not desirous to renew. I would bear with many inconveniences rather than open a similar scene; nay, I would bear with many grievances rather than expose the country to the risks, the excitements which must accompany a complete reconstruction of our whole representative system. But, Sir, if we wish the Reform Bill to be a final measure, we must see that it be real and effectual, — that it shall not be, either wholly or in part, a delusion; we must take care that we do not destroy abuses in one form, merely to see them start up again in forms still more odious, — that we do not create franchises, and then suffer them to be converted into a species of villain service, baser and more degrading to moral feeling than anything which existed in the fourteenth century by virtue of the most arbitrary and tyrannical law of that dark period in our history. Sir, it was not for this, that, in the year 1831, the whole country rose up as one man, — that threats and petty interference were disregarded, bribes rejected, corruption manfully resisted and overborne; — it was not for this result, that the church, the peerage, and the court, on that memorable occasion, yielded submission to the irresistible array of a determined and united people.

[Cries of "Hear, hear!" from the Ministerial benches.]

The object of that mighty movement was not to arrest and pluck up abuses, merely to allow them to renew their growth, and flourish again under new forms and denominations; — it was not to disfranchise Old Sarum in order to establish a new and a worse Old Sarum, under another name, in its stead; to disqualify Gatton in order to raise up the corrupt influence of many Gattons in our counties and sub-divisions of counties.

Sir, I am convinced that the time is not far remote when this great nation, with a voice as imperial as that with which she demanded the Reform Bill, will demand that the Reform Bill be practically carried out in its noblest principles, and be made a truth. And when that just demand shall be conceded, as it surely will be, — when the franchise of every elector shall be a franchise indeed, — I am firmly convinced that the achievement of this national object, instead of preparing the way for reckless change, spoliation, and commotion, will strengthen the law, secure the just rights of property, draw closer together the legitimate ties between one order in society and another, and cement the affections of all parties in the state to the law, the Parliament, and the throne.

[Loud cries of "Hear, hear!"]

Mr. MILNES. — I have listened with much attention to the Honourable and Learned Gentleman's ingenious defence of the Government, in making the question of the Ballot an open question.

[Cries of "Divide, divide!"]

I am anxious to address the House on the subject in debate, as this is, perhaps, the only opportunity I or any other Honourable Member will have of approaching it, before it may please her Majesty's Government to hasten an event which will send us all to our homes.

[Renewed cries of "Divide!"]

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We all lament the existence of many of the evils which have been pointed out by the Honourable and Learned Member for Edinburgh, in a speech to which, though it did not carry conviction to my mind, yet I, in common with every Honourable Member, have listened with that delight which his eloquence always commands. Notwithstanding all that has been said in its favour, I cannot divest my mind of the idea that the Ballot is un-English, not merely according to the definition which has been given by Honourable Members opposite, but as it is inconsistent with our English customs and habits, both political and social, and, I may add, constitutional; and I am persuaded it never will prove a remedy for the evils complained of. If I know anything of the feelings of the people of England, I am sure they will never consent to secret voting being made compulsory. You never can prevent the high-spirited independent voter from declaring whom he has supported with his vote; and, if so, the effect would be, that those who maintained silence would be considered as having voted against a candidate who had endeavoured to influence them. The Honourable Member for London says, "You acknowledge the evil; then, at all events, let us make the experiment of the remedy." But I know of no such thing as an experiment in political philosophy; — once make a false step in political science, and that step cannot be retraced. The Ballot, if adopted, would totally and entirely fail in accomplishing its purpose, — it would deceive the hopes of the people, as the Reform Bill has deceived them, — it would not lead to those consequences which they expect to realize through its medium; and, in a few short years, we should hear the same outcry "to carry out the spirit" of the ballot-box as we now hear "to carry out the spirit" of the Reform Bill. Thus we should go on from disease to remedy, and remedy to disease, till all that has hitherto been stable in our institutions was destroyed, — and unmitigated discontent, which is, at once, the child and the parent of change, prevailed throughout the country. Let us rather trust to the force of public opinion, and its growing power. Before the democratic power of England, if roused by oppression, oppression cannot stand; and if the aristocracy of England abuse those powers and that influence, for evil, which are given them for good, a most fearful vengeance will fall on their heads.

[Loud cries of "Divide, divide!"]

LORD JOHN RUSSELL and SIR G. STAUNTON rose together.

[Loud cries for "Lord John Russell!"]

SIR G. STAUNTON. — Having, Sir, given a notice ——

[Renewed and continued calls for "Lord John Russell!"]

In the present temper of the House, I will not press the motion for the moderate and middle course of which I have given notice. The amendment I had intended to move was, to try the Ballot in the first ten counties, cities, or boroughs, of which one half of the registered electors should petition for the same. But, as the House does not seem inclined to adopt any medium, I shall think it

> —— better to bear the ills we know,
> Than fly to others that we know not of.

LORD JOHN RUSSELL. — In rising to address the House on this subject, I feel I have no such excuse as that given by my Honourable and Learned Friend the Member for Edinburgh (whose able and eloquent speech stands in need of no comment, other than its ability and eloquence, to recommend it), — I feel I have no such excuse as he made, when he said that he had not been used for some time to address this House on any subject, — in now asking the attention of the House for some few minutes; for, Sir, I know — I am perfectly aware — that there is nothing I can at present address to the House that has not been addressed to it frequently before; and the arguments I, myself, have used on former occasions, I shall be obliged to repeat, — meaning, as I do, to conclude, as I have always done, by declaring my intention to vote against the motion of my Honourable Friend the Member for London. Sir, I own I could have wished that my Honourable and Learned Friend the Member for Edinburgh had taken a longer time to pause on this important question, before he finally decided on sanctioning this change with regard to the practice of our elections. I could have wished that he had longer trusted to what he said, when Member for Leeds, he thought would, in time, prove efficacious, — namely, "the growing and predominant influence of public opinion," — before he finally determined to give the sanction of his vote, and, what is more, the weight of his ability and argument, in favour of this change. Sir, I was the more induced to regret his decision, when I saw how little

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disposed he was to weigh, duly, what I think some of the strongest objections to this measure. My Honourable and Learned Friend has said that no slight objections ought to stand in the way of the adoption of the Ballot. But did those objections, which he himself has admitted, seem to the House of so very slight and inconsiderable a nature? Why, Sir, one of those effects he acknowledges will be, to do away with the influence of public opinion.

[Cries of "Hear, hear!" from the Opposition benches.]

I own I should not have expected from my Honourable and Learned Friend, knowing what weight he attaches to public opinion, — what influence, no doubt, he attributes to it, and would gladly see it produce in all our institutions, and in all our public transactions, — that in this act alone, and that a most important one, by which the representatives of the people are chosen, he should be content to have public opinion forego its influence, and that he should consider this one of the slight objections which may be urged against the Ballot. Sir, I have always considered — (I am obliged, as I said, to recur to my former objections)—that it was an evil which should make us pause and feel a repugnancy to this change, — that we were thereby putting the electors of the United Kingdom in a totally different position from that of every other individual, of every body, and of every authority, even the highest amongst us. The judges of the land, in pronouncing their judgments, — the Houses of Parliament, in their proceedings and debates, — even the conduct of the Sovereign, as we have on a late occasion seen, on one of these rare opportunities when an exercise of authority is called for, apart from the advice of responsible Ministers of the Crown, — even the conduct of the Sovereign, I say, has been made the subject of political discussion, has been openly canvassed, and exposed to the influence of respectful, yet free, public opinion. And by that public opinion, or by the results of that public opinion, every one of us — the judges of the land, the Houses of Parliament, the Sovereign herself — is content, and will be content, to abide. And yet, now, Sir, we are to be told that there is to be one class of persons, not comprehending the whole nation, but a chosen class, amounting, as the Honourable Member for Middlesex said on a former night, to some fraction of the adult male population, — to one fifth or one seventh, — that these persons are to be totally free and exempt from all the influence of public opinion, and, in choosing their representatives, uncontrolled by any responsibility,—whether under the influence of the hatred of a person whom they pretend to love, — whether under the influence of malice against a person whom they pretend to respect, — whether under the influence of corruption, with the pretence of purity, — under whatever influence they may act, however bad, however anxious, however incapable of being avowed, — under such an influence and such a motive these electors will shield and shroud their conduct in the solemn act of selecting their representatives.

[Loud and continued cries of "Hear, hear!" from the Opposition benches.]

I do hope, then, Sir, that my Honourable and Learned Friend, although he may not change his opinion on the Ballot, will yet consider that in adopting it he is foregoing a very great public advantage; and that if he do feel himself driven to this necessity, he will also feel that no slight or small objections stand in the way of him who assumes the responsibility of adopting a change which is incompatible with the practice of the constitution, and may be found inconsistent with the future welfare of the people. I must ask, when it is proposed to me to adopt the Ballot, in the first place, whether it will be a specific for the particular evils of which you complain? and, in the second place, whether, supposing it may prove such a specific, and that those evils prevail to a great extent, it will not induce other evils, unknown under the present system? Now, with regard to that first question, I have heard much from my Honourable and Learned Friend, most eloquently expressed, about intimidation and corruption. I have heard much, too, from the Honourable Member for the city of London, with respect to the evils of intimidation. I allow the truth of every word which has fallen from both of them, on this subject. I allow that the evils of intimidation are great; although I certainly modify that opinion so far as not to agree with them that these evils are not, probably, carried to the very great extent which they assert. But allowing that this intimidation is a very great evil, and that we ought to endeavour to remedy it, I think my Honourable and Learned Friend, and the Honourable Member for London, though they arrive at that point, fall far short of proving that the Ballot is what we re-

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quire. I have heard nothing, either from the mover or seconder of the motion, which shows that the proposition of the Ballot will remove the evil of which they complain. Now, take the instance referred to by my Noble Friend the seconder of the motion. A tenant is called on by the steward of his landlord to say whether or not he has voted in favour of a particular candidate. I do not believe that, for a long time at least, the Ballot will prevent that intimidation. I do not believe that the farmers and yeomen of England will practise that dissimulation which has been suggested, however wise it may be, or however it may receive the palliation, though not the justification, of my Noble Friend. I do not believe that they would be able to practise that dissimulation which would be necessary to enable them to conceal their votes. I believe that a very few months would decide the question, and that something like this would take place: — the steward would call on John Smith, and say, "Well, John, you went and voted at the last election?" — "I did." "For whom did you vote?" No answer. "Now, tell me, frankly and fairly, did you not vote for the Whig candidate?" I venture to say that John Smith would reply, "I tell you, frankly and fairly, that I did vote for the Whig candidate."

[Loud cries of "Hear, hear!" from the Opposition benches.]

As matters are constituted at present, however you may tell him that he would be justified in saying that he voted for the Tory, when he actually voted for the Whig, — however you may endeavour to prove to him, by all kinds of refined and specious arguments, that this pretext was a fair one, which he was entitled to use, — I think his plain, honest nature would prompt him to own what he had done. Well, then, if the landlord be determined to put in practice the "crime," as my Honourable and Learned Friend truly calls it, of intimidation, and it follows, as the consequence of this confession of the farmer, — how do you expect it will operate? If these instances of persecution continue to occur, they may operate in such a way, at last, as to induce the voter no longer to obey the plain dictates of his honest nature, — no longer to avow frankly his politics, as he has hitherto done, — no longer to admit the fact that he has voted as he really has done; — but he will gain something of that habit of deception which we are told he ought to assume. Then, Sir, we have to consider whether, when we have in some degree cured the political evils of intimidation, we shall not have introduced the social and moral evil of deception, of loss of truth, and loss of character? a change for which I, for one, am not prepared.

Now, Sir, it may be said, and it has been said, that although it is wrong that a person should declare that he has voted for one whom he has not voted for, there is a falsehood in the present manner in which he gives his vote; and that, in fact, by the Ballot, we are only telling one falsehood instead of another. This answer only shows how very much at a loss the advocates of the Ballot are to answer the objection that it would introduce want of truth into our election proceedings. I own that it is a very degrading thing for a man who has a vote — who has that high trust confided to him — to go to the hustings, and say, as he does, in some cases, say, "I have voted for Mr. So and So; but, I must own, I would much rather have voted the other way." That is a very degrading position. At the same time, I cannot say that it is exactly the same position as that which a man is placed in, who states, after the election, that he voted for the person for whom he did not vote; though one is a political offence, — a degradation and a betrayal of the trust reposed in him, — it does not cast the same reproach on his moral character as the other false assurance must necessarily entail. Then, with respect to bribery, all my Honourable and Learned Friend can say, as other less able and less candid advocates have admitted, is, that it would not greatly aggravate bribery. So that, when you have got your machinery perfect, — when you have sent the ballot-box (which my Learned Friend also doubts the expediency of adopting) down into every county, city, and borough in the kingdom, — your intimidation, as it appears to me, does not cease; and the only consolation you can give is, that bribery will not thereby be greatly aggravated. Well, Sir, if this be not a specific — as I believe it not to be — for the existing evils, let me consider whether, besides those I have already mentioned, there will not be new evils attendant on the change? I have often said — and nothing that I have heard has convinced me that that opinion is erroneous — that the Ballot would very much increase the dissatisfaction of those who have no votes. After all, it seems to me a very fair constitution of the electoral franchise, that a

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certain number should be judged worthy, by property, by position, by their station in the counties and towns which they inhabit, to enjoy the elective franchise; and that those who have not the franchise should, at least, have the privilege of being spectators of the election, — should have the power of canvassing the merits of the different candidates with the voters, and the merits of the voters, themselves, in the exercise of their franchise. This seems to be both reasonable and consistent with the constitution. But when you say that one set of persons are to have the power, without any responsibility, without the incident of their votes being known except by the general result, exclusively to return Members to this House,—I do think that not only those who are now seeking for universal suffrage, but also the more moderate of the working and unrepresented classes, would feel very great and general dissatisfaction. There are, doubtless, those who think this no evil, because it would compel us to carry out these changes still further, by what the Honourable Member for London calls an extension of the franchise, and a more equitable distribution of the suffrage. I am not now going into the consideration of the question whether he is right, or not. To those who support the Ballot, thinking that it would and should be followed by a larger extension of the suffrage, I do not now address myself; but there are many —and the Honourable Member has sought for their votes — who are inclined to adopt any remedy that promises to put an end to the evils complained of, but are satisfied with the general distribution of the suffrage as it now stands, and who do not wish that any change which may take place in the mode of voting shall be followed by a great extension of the suffrage. I put it to them, whether the state of things which is likely to take place, if the Ballot were once admitted, would not be one that would render it very difficult to resist those demands? For my part, I think, if the Ballot should be made effectual in point of secrecy, that the discontent which would prevail would soon be such that you would be obliged to return to the open mode of voting.

But I am asked, as every one is asked in a case of this kind, how is it, if you admit the evil and reject the Ballot, that you are not prepared with some other remedy? I might give other answers to this question; but I will give the one which appears to suggest itself from the present state of the country in respect to the franchise. You have had, for a long time, a free representative constitution. You had, formerly, a great number of the Members of this House named, without any real election by persons having the right of suffrage. During that time, however, there were many persons elected by very large constituencies. From the beginning till the end of the last century, the general opinion was, on the part of the owners of property, and the tenants dependent on them, that they ought to go together; the tenant went with the landlord, and voted for the candidate whom his landlord favoured, without troubling himself much with political affairs. By the Reform Bill you have extended the power of voting to thousands who never enjoyed it before; and with it there has arisen a much greater degree of knowledge, of independent feeling, as I think, — and, more especially, there has arisen a much greater degree of interest in political affairs. The spread of political information has only increased their desire for more knowledge. On the other hand are the powers of property; — powers — exercised by some, fairly; by many, indifferently well; by others, very tyrannically. Here is an immediate collision between the two classes: the great number of electors exercising their franchise freely, and not wishing to employ it merely in accordance with the desire of their landlords; — the landlords, on the other hand, desiring to exert their power, as in former times, and to compel their tenantry to vote in the same manner as themselves. We are now living in the time of this collision and irritation. You say that, for this evil, the only remedy is the Ballot. I have already acquainted the House with my objections to that remedy, and that I, for one, will not consent to its adoption; — but my opinion is, that if you do not adopt that remedy, you will come — before any very long period has elapsed — to a better state of things, in which these powers of property will be exercised with a greater regard to the rights of the electors — when the landlord will not pretend to say, "Here is a man with a vote; he is a tenant of mine; therefore his vote belongs to me, and I have a right to control the exercise of it." I think that the free and independent feeling of the people of the United Kingdom is strong enough to carry this change into effect without the interposition of the Ballot. I believe in their virtue; — I trust in their public spirit; — I rely upon their intelligence. I believe that you will diminish all the evils now complained of without the aid of the

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Ballot; and therefore it is that, in this time of crises, — great as the complaints are, — I think it is far better to let this matter work itself out, rather than adopt so dangerous an expedient as that suggested by the Honourable Member for London (Mr. Grote). After what my Honourable and Learned Friend (Mr. Macaulay) has said, — and, for his manner of discussing this subject, I must give him my thanks, as I have done upon many former occasions, — after what he has said with respect to open questions, I do not mean to enter into any defence of the course which the Government has taken in making this what is called an open question. If that course be, on our part, a fault, my Honourable and Learned Friend has shown that it has been a fault of former Governments. I took occasion, in the discussion upon the subject of the corn laws, to show that, over and over again, it had been the practice of the Governments of this country, — and of some of the strongest Governments of the country, — who, being united as to matters connected with the conduct of the public affairs, were yet divided on many matters of great and important interest to the country, and upon which public opinion was much divided, — to allow those matters to be discussed as open questions. When this question came on for discussion last year, I fairly and freely confess that I exerted all my influence, not only with the members of the Government with whom I was associated, but with many others with whom I was connected by the ties of friendship, to induce them not to vote in favour of the Ballot. The only consequence was, that we had a division, in which two hundred Members — forming the greater part of those who sit on this side of the House — voted in favour of the proposition of the Honourable Member for London (Mr. Grote). I do not think that, in consequence of the opinion so expressed by so large a number of Members sitting on this side of the House, I am, in the least, obliged to abandon my opinion, or to vote otherwise than I did upon that occasion; but, at the same time, I must observe, that if I had continued to press my opinions upon my Friends in the same manner as heretofore, I think I should be acting most unjustly to those with whom I have been long acting in political affairs — whose opinions I respect, and whose conduct I deeply esteem.

Mr. SHEIL. — I believe it is the universal sense of the House that there ought to be a division upon the question this night. I shall obey the wish of the House, and be as brief as possible. My observations will be very short indeed. I rise solely for the purpose of adverting to what I consider to be important facts — facts upon which I shall scarcely make a comment. In the year 1833, at a dinner given at Gateshead, the Earl of Durham made an important disclosure ——

[Much laughter and cheering.]

a disclosure in which many members of the Government and several Gentlemen on the opposite side of the House were concerned.

[Cries of "Hear, hear!"]

The Earl of Durham upon that occasion said that it had been referred to him — to him, the Earl of Durham, — to Lord Duncannon; to the Noble Lord (Lord John Russell), now the Member for Stroud, but then the Member for Devonshire, — and to the Right Honourable Baronet (Sir James Graham), at that time the Member for Cumberland, but now the Member for Pembroke, — to arrange the *programme* of a Reform Bill. It was not stated by Lord Durham, at that time, what took place at that important conclave of intrepid innovators.

[Cheers and laughter.]

A year afterwards, a dinner took place at Edinburgh, at which Lord Grey, Lord Durham, and Lord Brougham were present. Upon that occasion references were made — obscure, but quite sufficient to excite further curiosity — as to what took place on the important occasion to which I have previously referred. An article appeared in the *Edinburgh Review*, in 1834 — the writer of which it was less difficult to detect than the giver of a vote dropped into the ballot-box.

[Cheers and laughter.]

In consequence of this article, Lord Durham wrote a letter, in the month of October, 1834, to the distinguished editor of the *Edinburgh Review*. The matter rested there. The late King died; and a dinner took place at Stroud in July, 1837. Upon that occasion a speech was made by the Noble Lord (Lord John Russell). I have in my hand a copy of that speech, corrected by the Noble Lord, from which

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I beg to be permitted to read one passage. It is very short; but it is most important. The Noble Lord said, —

I am not about to address you with respect to the vote by ballot, and the duration of Parliaments,—having declared my opinions upon those subjects the other day. I will only repeat, now, that when I was a member of the committee which framed the great outlines of the Reform Bill, I was selected to propose a plan of which the chief heads were adopted by the committee. That plan began by proposing the total disfranchisement of fifty small boroughs, and the partial disfranchisement of fifty more; it then went on to propose the enfranchisement of all the great manufacturing towns. The plan originally contained no proposition with respect either to the Ballot or the duration of Parliaments; but in the course of the discussions which took place in the committee, proposals were made upon those subjects, which, after some consideration, were adopted; and in the plan which I ultimately submitted to Lord Grey's Cabinet, I suggested that the vote by ballot should be adopted, and that the duration of Parliament should be five years. I am mentioning this fact, because I know that several statements have been made upon this subject; and at the time that these statements were made, I had the permission of his late Majesty to state any facts upon this subject which I thought necessary in the way of explanation. I have done so. I should, however, state that at the same time that the Ballot was proposed by the committee, it was suggested that the franchise should be raised to 20*l*. But the decision of Lord Grey's Government, upon the whole, was not to propose anything to the Legislature with respect to the duration of Parliament and the Ballot, and ultimately the qualification for the franchise was fixed at 10*l*.

I will not venture to ask the question whether the *programme*, signed by the names of every one of the members of the committee, with the exception of Lord Duncannon, was forthcoming; but I do suggest this to those who have since changed their minds upon the Ballot: — Are not the arguments upon the moral part of the case stronger, now, than they were then? In what respect is the question changed in a moral sense? — for it is upon the moral part of the case that the Noble Lord (Lord John Russell), exclusively, or, at all events, most strenuously, relies.

I have said that I will rely upon facts: I will redeem my pledge: I will not be led into argument. When the Reform Bill was brought into the House of Commons, it was stated by the Noble Lord that the question of the Ballot was reserved. The Honourable Member for Kilkenny (Mr. Hume) immediately got up in his place and said, "I am glad that that question is reserved — I am glad that it is postponed till we see how the Reform Bill works." Mr. Calcraft, upon the same occasion, said, "How can the Noble Lord call this a final measure, when the Ballot, a matter of paramount importance, is distinctly reserved?" And when the Marquess of Chandos brought in his clause, what took place? Lord Althorp objected to it. Upon what ground? Why, that it would inevitably lead to the Ballot. The Commons, however, adopted that clause; and when Lord Grey brought the Bill into the House of Lords, he said, —

The Bill does not now stand in the shape in which it was originally proposed; it has, in several respects, been mutilated and impaired by its opponents;

And then, particularly referring to the 50*l*. tenant at will clause, he added, —

This last regulation is one which I should not have proposed, myself. It has been projected and carried by persons not connected with the Government, and the Government are not answerable for it. I hope it will be found to act well; but, then, it is liable to this objection — that, if the same influence be exercised over tenants in counties that has been exercised in other places, which it is not necessary for me now to name, it will be likely to generate a very strong feeling in favour of a regulation to which I am, myself, opposed, — I mean the adoption of the vote by ballot.

Did any man at that time say a word about the finality of the Reform Bill? Was a word said, on either side of the House, upon the point?

[Cries of "Yes!" from several Members on the Opposition benches.]

Ay, there was; but it was not stated that the Reform Bill was final upon the subject of the Ballot.

[Cries of "Hear, hear!"]

No! the reverse was stated — the very reverse was asserted by friend and foe. By whom was it asserted? By the Noble Lord (Lord John Russell) the Member for Stroud, by Lord Grey, by Mr. Calcraft, by Lord Wharncliffe. I hope the House will permit me to read five sentences from the speech of Lord Wharncliffe, upon the second reading of the Reform Bill in the House of Lords. Lord Wharncliffe said, —

He was ready to admit that the increase to the county constituency on this last head (the tenant at will) did not proceed from his Majesty's Ministers, but that it was imposed upon them by a Noble Lord, a friend of his, in another place. In his opinion, the addition to the county constituency from this source was anything but an improvement. *Primâ facie*, it

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gave an appearance of weight to the landed proprietary; but the working of the clause would be this, — that if any landlord ever exercised the power given to him by it, he would be placed in the same disagreeable and obnoxious situation in which many high-minded individuals who wished to get rid of refractory tenants were placed under the present system. This clause, connected with the 10*l.* qualification clause, would place a great number of the new-made voters entirely at the mercy of their landlords; but their Lordships would deceive themselves egregiously if they imagined that the exercise of such a power on the part of the landlords would not lead almost instantly to the vote by ballot. If you make every election throughout the country a popular election, the only way in which a quiet man, unused to public speaking and to the crowding and jostling and sarcasm of the hustings, can be protected, will be by means of the Ballot; and that mode of election would certainly end in the introduction of the vote by ballot. Then came another ground put forth by the Government; he meant that this Bill would be a final settlement of the Reform question. It was impossible that it should be so. He had already warned their Lordships on this subject. He had warned them that the persons who were now most clamorous for reform had plainly declared to the country that they would not stop here. All of their Lordships who had read the public journals lately, would want no other proof to convince them of the correctness of that assertion. In the other House of Parliament the matter had been clearly given up, for there the Noble Lord who had introduced the Bill had fairly admitted that the Bill could not be final. That Noble Lord had said that the question now was, "Will the people be satisfied with the Bill?" for, if they were not, Parliament must needs go further. He (Lord Wharncliffe) fully agreed in that opinion. Ministers had already opened a door to the demands of the people; they had told the people that they were entitled to a full, fair, and free representation in Parliament, and the people would insist on having that representation in perfect conformity with the ideas which they entertained of a full, fair, and free representation.

Let no man, after hearing this citation, which is now a portion of history (and to which every one has access), say that the Reform Bill, upon the subject of the Ballot, is final and conclusive. Are not the evils of the existing system admitted on both sides of the House? The Noble Lord the Member for Stroud has talked, — I will not say lightly, — but has this night talked of intimidation, as if it did not exist to an extent at all to warrant the eloquent expatiations of the Honourable and Learned Member for Edinburgh; but does the Noble Lord remember that, in 1835, when the Honourable Member for London brought forward the question of the Ballot, he (Lord J. Russell) stated that the then recent election had been carried against him, in Devonshire, by intimidation; and that some of the members, who had formerly acted upon his committee, had been compelled, as they assured him, to vote against him? And did not the Right Honourable Baronet the Member for Tamworth, himself, upon the same occasion, admit that, under the existing system, a great deal of intimidation was constantly practised, — "a practice," added he, "which I detest." Is it even so? Did the Right Honourable Baronet say that he detested the practice? Then, no doubt, the practice existed; for it is well known that the Right Honourable Baronet is not wont to waste factitious detestations upon fictitious grievances. I do not say this in mockery of the Right Honourable Baronet. I believe that the Right Honourable Baronet's detestation of intimidation is sincere. But when the evil is admitted on all hands, — by the chief members of the Government, and the chief opponents of the Government, — I wish to see something done. What does the Noble Lord (Lord J. Russell) propose? What does the Right Honourable Baronet the Member for Tamworth propose? If I may pardoned for resorting to so homely a mode of expression, I think that the position of both these important personages, with reference to this question, may be aptly enough described according to the jest common amongst my humbler and poorer countrymen, — "What are you doing, Lord John?" — "Nothing," says he. "What are you doing, Sir Robert?" — "Oh! I am helping Lord John." This is a state of things which cannot continue.

SIR J. GRAHAM. — Sir, I should not have risen at this hour, and especially after the speech of the Noble Lord, to take a share in this discussion, if it had not been for some observations which have fallen from the Honourable and Learned Gentleman who has just sat down. As to the general merits of the question, I propose to rest the vote I shall give to-night on the general arguments which have been adduced by the Noble Lord and by the Honourable and Learned Member for Edinburgh. But the Honourable and Learned Gentleman (Mr. Sheil) has referred to some facts, — he terms them historical, — which he thinks change the complexion of the case; and I shall frankly state to the House what, I trust, will be a sufficient answer to what has fallen from the Honourable and Learned Gentleman. I am far from denying the share that was allotted to me in the original draught of the measure to be submitted to the Cabinet of his late Majesty, with whom rested the preparation of the Reform Bill. I do not deny that I

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was associated in that charge with the Noble Lord opposite (Lord J. Russell), Lord Durham, and Lord Duncannon. The Noble Lord, it would appear, from the passage cited from his speech by the Honourable and Learned Member, received from his late Majesty a permission to make such statements on the subject as he might think necessary for his own defence. The Noble Lord exercised that power and discretion in the passage cited by the Honourable and Learned Gentleman, in a manner of which I cannot complain. But I must observe, in passing, that these disclosures of what takes place amongst colleagues under the seal of secrecy, do not appear calculated to contribute to that implicit confidence which ought to prevail among members of the same Government, and cannot certainly promote a freedom of discussion among confidential servants of the Crown. I do not doubt that the Noble Lord thought the necessity of the case in this instance justified such a proceeding, although it was made on the hustings at a general election. I must observe, that, on this subject of the Ballot, the Noble Lord was not very explicit as to what his opinions were, and he was returned: but I see a Gentleman behind the Noble Lord who can bear witness that I, at the election for Cumberland, was perfectly explicit; — I said that nothing whatever should induce me to support the Ballot, and I lost my election. But with regard to these disclosures. I did not receive the permission of his late Majesty to make any disclosure on the subject of the original plan of the Reform Bill submitted to the Cabinet; I, therefore, can explain nothing — I can admit nothing — I can deny nothing.

[Cries of "Hear, hear!"]

The Honourable Member for the city of London and I are politically opposed; but I appeal to him whether I was not bound by my oath as a Privy Councillor? I appeal to every Gentleman in the House whether I can consider myself at liberty to disclose what took place under that seal of secrecy? If the Noble Lord think proper (having permission), he may carry his disclosures yet further. I should not object to his stating at whose suggestion the Ballot was inserted in the draught; still less should I object to his stating by whose votes the Ballot was rejected. We well know that at that time there was, in the Cabinet, a keeper of the King's conscience, whose boast it was that he had an argument which amounted to a mathematical demonstration that the Ballot was impracticable. But, whatever may be said by the Noble Lord as to the introduction of the Bill, I deny that, during the progress of the discussion on the Bill, the Members of Lord Grey's Cabinet, as far as they themselves were concerned, ever understood that it was open to them to support the Ballot, or a further extension of the franchise; and I have the strongest possible reason for saying so. I suppose it will not be denied that Lord Althorp spoke the sentiments of the Government of which he was a member? Well, what did Lord Althorp say in reference to this subject of the Honourable and Learned Gentleman's introduction? He said that, during the progress of the Reform Bill, negotiations were set on foot, with many persons opposed to the measure, who, in consequence of certain promises which were made to them in respect of its finality, were persuaded to support it. Now, who will say which of these reluctant persons who gave their sanction to the 10*l.* franchise, on condition that the Reform Bill should go no further, — who will say that their hopes shall be disappointed, and the promise that has been made to them — broken?

The Honourable and Learned Member for Edinburgh has said that which I am not disposed to deny, — that with regard to a Legislature — and the laws of a people — there must always be changes carrying on. I admit that, in the progress of events, with regard to a great nation, finality does not, and cannot, exist. But, with regard to individuals, I do contend that, in considering their obligations, — not implied ones, but those of men who solemnly pledge themselves, as members of a Cabinet, to support or oppose certain measures, — I say that, in their case, finality does exist; and though the doctrine of finality may not be binding on any other man in the realm, — still I say, that as to the Noble Lord's colleagues in Lord Grey's Cabinet, the pledge of finality, as to the Reform Bill, is binding on them — one and all. It is well known that many Members gave their support to the Reform Bill on the express understanding, that it was to be a permanent and final measure, and that Lord Althorp and his colleagues would, from that time, abandon their support of the Ballot. Those persons would be all cruelly deceived, if the members of Earl Grey's Cabinet, who so induced them to support the Reform Bill, were now to turn round and become the supporters of further change. It was a general and uniform belief that the Reform Bill was to be a final measure; and that Lord Grey, who had been one of the

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friends of the people, and a supporter of triennial Parliaments, so considered it; — and that he accepted and offered it in full and complete satisfaction of all the claims of the people.

[Cries of "Hear, hear!" from the Opposition benches.]

Can there be a question that Lord Althorp gave a pledge that the Reform Bill should be final?

Mr. SHEIL. — No, no!

SIR JAMES GRAHAM. — The Honourable and Learned Gentleman seems to doubt. I will refer him to a passage from his Lordship's speech.

Mr. WARBURTON. — Hear, hear!

SIR J. GRAHAM. — The Honourable Member for Bridport cheers. I will read the passage, and then ask that Honourable Member whether Lord Althorp did not, in language as strong as human tongue could express, pledge the Cabinet of Lord Grey to the finality of the Reform Bill? The Honourable and Learned Gentleman has cited a passage from Lord Althorp's speech in 1832.

Mr. SHEIL. — No, — in 1831.

SIR JAMES GRAHAM. — Very well; in 1831. I will, now, read a part of a speech of Lord Althorp's in 1833. It was spoken in answer to the motion of the Honourable Member for the city of London, during the debate on his first motion for the Ballot, the year after the passing of the Reform Bill. Lord Althorp, on that occasion, thus expressed himself: —

It was stated by the Honourable mover of this motion, that when my Noble Friend first introduced the Reform Bill into this House he said that this question was not immediately connected with the measure he was introducing, — that it need not then be discussed, for that his was not a final measure. Now, I appeal to every Gentleman who was a Member of the late Parliament, and to every person who watched the proceedings of the House pending the discussion of the Reform Bill, to say whether the promoters of that measure did not constantly state that, as far as the representation of the people was concerned, they considered it a final measure?

Now, here is the origin of the very expression. It may be said that there is a difference between the representation of the people and the vote by ballot. But what was the application of Lord Althorp of the pledge? He applied it to the motion of the Honourable Member for London.

For my own part, I have frequently stated that it was a final measure. It may be said that the vote I shall give to-night will be inconsistent with my former vote on the same subject.

Lord Althorp conceived that he might be attacked in giving his vote on that occasion against the motion of the Honourable Member for London, because, in 1830, Lord Althorp had supported the Ballot. Now, I never, in the whole course of my life, voted for the Ballot; nor ever advocated the Ballot. I have constantly refused my assent to it; I have risked several elections by openly stating my objections to it; and, last of all, I lost my seat for Cumberland by my opposition to the Ballot. But Lord Althorp was differently situated, and therefore Lord Althorp felt the inconvenience which might result if he should afterwards vote inconsistently: now Lord Althorp remarked: —

It may be said that the vote I shall give to-night will be inconsistent with my former vote on the same subject; but if I were to vote with the Honourable Member opposite (the Honourable Member for London), I should act most inconsistently with the professions I made during the progress of the measure of Reform.

At the close of his speech, his Lordship added, —

I feel that I shall render myself liable to attack for the vote I shall give; but so I should, were I to vote the other way; and, what is worse, I should feel that I had been acting a part I could not reconcile to my ideas of right.*

And his Lordship declared to me that he did not consider himself at liberty to vote for the Ballot, whatever his individual opinions might be, shackled as he was by pledges to his colleagues for the finality of the Reform Bill. I have now quoted doctrines fully as express and authentic as those which have been adduced by the Honourable and Learned Gentleman. The Honourable and Learned Gentleman has quoted from speeches during the discussions on the Reform Bill. I have adduced the opinion of Lord Althorp, after the close and settlement of the question; and Lord Althorp, then, in terms as explicit as he could possibly use, declared that, as a member of Lord Grey's Government, he was not at liberty to support the Ballot, though he had supported that question on a previous occasion. I am ready to leave the general question to rest on the speech of the Noble Lord. I was, however, struck with something singular that ran through the whole texture of the speech of the Honour-

* See MIRROR OF PARLIAMENT, Sess. 1833 vol. ii. p. 1459.

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able and Learned Member for Edinburgh. I am glad to see that Honourable Gentleman amongst us again, for I consider his superior talents an ornament to the House; but I was struck by some of the topics on which he dwelt. In the first place, the Honourable Member thinks, in the abstract, that the practice of open questions in Cabinets is the greatest good that can exist in any country with a free constitution; and he has cited as examples, the support given by Mr. Pitt — to the Reform question, and to the Slave Trade question — as a Minister; and he also cited Lord Grey as a witness to the expediency of that course. Now, I must say that I felt no small surprise at hearing that line of argument used by the Honourable Member; because I had always understood, that if there was any one thing which raised doubts as to the sincerity of Mr. Pitt's conduct, it was his leaving the question of Reform, and placing the suppression of the slave trade on that ambiguous footing, instead of giving it the weight and influence which it would have received by making it a Cabinet measure. Such were the opinions of Ponsonby, Tierney, Grenville, and Lord Grey, who spoke to that effect, I might say,

From morn till eve, from eve till dewy morn.

And I have, really, always understood that the doctrine of open questions has generally been viewed as nothing more nor less than a shabby escape from difficulties. The Honourable Gentleman has said, that members of a Cabinet, in questions of difficulty, and where they are divided in opinion, must take one of three courses; — they must, in such cases, either conceal, avow, or compromise their differences. But I think there is still a fourth course open, which has not been touched upon by the Honourable and Learned Member; and it is, that when members of a Cabinet are called upon by the majority of their colleagues to support measures of primary importance, which they do not approve, or to oppose measures which they are favourable to, there is, I think, a fourth course open to those in the minority, — namely, at once to resign their offices.

[Cries of "Hear, hear!" from the Opposition benches.]

I do not know what may be the feelings of the Noble Lord the Member for Stroud on such matters. But that Noble Lord has told us, there is a vast importance to be attached to this question, — in a late letter addressed to his constituents. I quote from memory, and may not be correct; but I believe the Noble Lord has said that it would not be expedient or wise to throw the constitution of the country again into the furnace for the purpose of re-casting — that it is not expedient to raise the anchor of the monarchy when storms threaten and clouds are lowering in the political horizon. He adds, that it would be impossible to adopt the Ballot, without admitting at the same time a very large extension of the suffrage; and that, in the present state of the country, that would be an experiment of the greatest difficulty and danger. The Noble Lord, then, cannot regard this as an indifferent question. The Noble Lord must consider the adoption of the Ballot either as safe or dangerous. If he think it dangerous, then, I say, he ought no longer to remain a member of a Government, the majority of whom are its open advocates and supporters. But if, on the other hand, he think it safe and expedient, then, I say, let him make the Ballot a Cabinet question, and bring the whole united force of the Government to bear upon it. For I conscientiously believe that it would be far better for the country to have a Government pledged fairly to the Ballot, — to give the question a fair field and no favour, — than to make it, in this manner, an open question; — those supporting the Government voting generally for the Ballot; and the Government, on the other hand: offering nothing but a hollow, specious resistance—a mere semblance without reality. It is as if a beleaguered citadel were to open its gates, and allow its soldiers, who were weary of the defence, to go forth and take part with the besiegers. I believe that it would be safer for this country — entertaining the opinion which I do of this measure — to have a Government, bearing about them the brand or revolutionary mark of the support of the Ballot — than to allow members of the Government, of great influence and of great power and ability, to take part on the popular side,— doubtful whether they are in a majority or not, — whilst those who honestly, but still forcibly, resist it, are dragging on an imperfect resistance, which, sooner or later, they must be sure, will end in defeat. But the effect of this plan of the Government is, that those members of the Cabinet who support the popular side obtain an undue advantage over those who oppose it; and, at last, the Cabinet will be broken up when it may be most dangerous to give way to popular impulse. The inevitable consequence of their present proceeding is, that those who take

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the popular side, although they may be inferior in talent or power to those who take a contrary view, will, ere long, supplant their colleagues. I know that this is the fate which awaits the Noble Lord. I rejoice at the gallantry with which the Noble Lord opposite has fought the battle this night; but if he consent to remain a member of the Government, by whom it is considered an open question, I am persuaded that his signal defeat is not far distant, and that that which the Noble Lord has declared would be most dangerous to the country, will ultimately succeed. The responsibility will then rest with him. For myself, while partaking of the views of the Noble Lord as I do, as to the danger of this measure, I, in the most unhesitating manner, and with a clear conscience, am quite resolved to oppose the motion of the Honourable Member for London, and by that decision to stand or fall.

LORD VISCOUNT HOWICK. — Having on more than one occasion expressed my opinions on this subject to the House ——

[Cries of "Divide, then!" and, "Question!"]

— I shall not intrude on their natural impatience to come to a division, by entering into any repetition of them at this time; but there were some remarks of the Right Honourable Baronet the Member for Pembroke, from which I so entirely dissent, that I cannot allow the debate to close without expressing that dissent, and the reasons on which it is founded. The Right Honourable Baronet has told the House that the Reform Bill is not final, as a measure of the Legislature of this country, — and has, indeed, admitted that no measure can be final, in that sense; but he says that it ought to be final and binding on the consciences of those who belong to the Cabinet by whom that measure was introduced, — that they ought not to become parties to any change. I am one of those who are most anxious to avoid any disturbance of that great national settlement which was effected by the Reform Bill in 1832; but I can never sit in this House, and allow it to be said, without expressing my dissent, that any Member of Parliament in the Government is right, consistently with his duty to his country or his constituents, to bind himself by pledges that shall fetter him in the exercise of his future conduct, under circumstances which he cannot foresee, and in a state of things of which he cannot be aware. I say that one Parliament cannot bind its successors; and for the same reason each individual Member of Parliament is bound to preserve his own freedom, to act according as future circumstances may render desirable for the interests of the country. Does not every Honourable Member recollect what was the case in dispute that occasioned the relinquishment of office by the Whig Government in 1807? Was it not because they refused to pledge themselves as to the advice they might, at some future time, offer to the Sovereign? And will any Honourable Member maintain that any person should be bound not to propose, under any circumstances, such measures of change as he may think best for the country? What the Cabinet which brought forward the Reform Bill bound themselves to, was this, — and only this, — that in proposing that measure they would not, in the then circumstances of the country, propose any further change. Indeed, after the manner in which the Reform Bill was introduced in 1831 and 1832, it would have been most improper for them to have done so. I think this manner of arriving at their intentions will account for the language of Lord Althorp in 1833. But is the House, on this ground, to say that, under totally different circumstances, we should not be at liberty to consider what might be desirable under those changes? For my own part, I will resist any further change from the Reform Bill, on the firm and reasonable principle which has been so ably and eloquently stated by the Honourable and Learned Member for Edinburgh. I believe that a series of changes in the constitution of political power is one of the greatest evils which can afflict any country. I believe that, having obtained [a reformed Legislature, so far as the representative system is concerned, we should apply it to those practical measures which directly bear on the welfare of the nation, and not foster vague hopes of advantage resulting from continual mutations. I contend, therefore, that as long as I see practical advantage resulting to the country under existing arrangements, to those arrangements I will adhere. I will be no party to petty or trifling reforms; but show me any grievance, such as existed in 1831, — convince me that the existing state of the representation of the country is not consistent with the welfare of the people generally, — and I am ready, now, as I was in 1831, to reconsider those arrangements, and to adopt such further reforms as may be necessary; but I am a decided

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opponent to what I consider needless change in the letter of the Reform Bill.

[Cries of "Divide, divide!"]

I am aware that I have already trespassed too long on the attention of the House; but I must say one word as to the subject of open questions, since the Right Honourable Baronet opposite has referred to it. On the general expediency of open questions, I must confess I agree more with the Right Honourable Baronet than with my Honourable Friend behind me. They are evils, certainly; but nevertheless are evils, which, to a greater or less extent, the Government of this country have, for a long series of years, been compelled to submit. The Right Honourable Baronet has quoted speeches, on this subject of open questions, of certain Members of the party to which I have the honour to belong; but the Right Honourable Baronet must remember that the greater part of those speeches were applicable only to one particular question, — and that was the Catholic question. And with respect to that question, I always felt that it was objectionable to make it an open question, because it was not a mere legislative question with the Government of that day, but one which affected the daily proceedings of the Executive. And the administration of Ireland was necessarily and practically affected by the individual opinions of the Ministers of the time; and I think I can trace many of the evils which Ireland has experienced so long to that fatal system of balancing a pro-Catholic Secretary by an anti-Catholic Lord Lieutenant. I hold that the effect of this is felt, even at this hour. But does any one tell me the Ballot is a question of this kind? Does the difference which exists between myself and my Right Honourable Friend the Member for Manchester, upon this question of the Ballot, prevent our acting perfectly well together upon matters of general administration?

[Laughter, and cries of "Oh!"]

I must say, when the Right Honourable Baronet tells us that, my Noble Friend having expressed a strong opinion against the Ballot, he is, in effect, giving indirect support to the measure by continuing to belong to a Government of which some of the members support it — that I am of a directly opposite opinion. In the present state of the country respecting the Ballot, and the subject in general, my firm opinion is, that if it were generally understood that a liberal system of policy ——

[Cries of "Hear, hear!" and laughter.]

— I mean a system of policy which we, on this side, should be disposed to give our assent to, as distinguished from the policy of the other side, — that this could only be enforced by the Government professing themselves in favour of the Ballot, — my belief is, that in a few years we should have a Government professing the Ballot, and engaged to the country to carry that question. I therefore think that, instead of promoting that measure, the Government are, on the contrary, giving the best chance of resisting it, by considering it an open question. I have told the Honourable Member for London that I most decidedly differ from him on the subject of the Ballot. I am a decided opponent to the Ballot; and if I believed that, by continuing a member of a Government divided on this subject, I was advancing the period when it would be carried, I tell the House, that, to-morrow, I would cease to be a member of that Government.

[Cries of "Hear, hear!" and, "Oh, oh!"]

SIR ROBERT PEEL. — On the last occasion on which the question of the Ballot was discussed, I entered so fully into the subject, that I am unwilling, at the present time, to trouble the House with a repetition of my observations. All I will now say on this subject is, that my opinions remain unchanged; and I do not know that I should have risen at all, but for the doctrine laid down by the Honourable and Learned Member opposite, as to the policy of open questions. I must say, I participate with my Right Honourable Friend near me, in rejoicing at the return of the Honourable and Learned Gentleman (Mr. Macaulay); for however formidable an opponent he may be, and however powerful I may deem his opposition, yet I must say I feel so great an interest in the general character and reputation of Parliament, that I cannot regret the return of so distinguished and able a Member among us. If I had wanted an exemplification of the inconvenience and danger of open questions, I should have found it in the speech which has been just made by the Noble Lord the Secretary at War. That Noble Lord said that the consequence of making the Ballot an open question would be to retard the carrying of the Ballot. This may be a good reason for the

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Noble Lord to vote against it; but what must be the situation of his colleagues, who are friendly to the Ballot, and who think it would be an improvement in the representation, when they are told by the Noble Lord that the position in which they stand is most fatal to their hopes? What a tendency must it have to destroy the force of party, to destroy the reciprocal confidence of members of the Government, when they are allowed to vote in different ways upon questions of vital importance! I well remember the Catholic question, and all the inconveniences that arose from its being made an open question. But in what does the Ballot differ from that? According to the opinions of some of the colleagues of the Noble Lord, we are not to consider the abstract merits of the Ballot, but to look to the consequences of it; one of which consequences will be, to make extensive changes in the representation of the country. Can anything be more important than the Ballot, coupled, as it would be, with such consequences to this country? Take the opinion of the Noble Lord, in his letter to the electors of Stroud. The Noble Lord there said,—

I told you, at my election, not to expect that I should vote in favour of Ballot. I have expressed, in Parliament, the opinion that Ballot alone would not satisfy the people at large. Some rebuked me for mixing two questions altogether distinct; and some among my friends voted for Ballot, determined not to consent to an extension of the suffrage. It was with some satisfaction, therefore, that I saw, in the *Morning Chronicle* of March the 25th of the present year, this manifesto.

Now, I recollect, when the Noble Lord the Member for Dorsetshire referred to the *Morning Chronicle*, it was said by certain Honourable Members opposite, "We have no communication with the *Morning Chronicle*, and it is not to be referred to in this House." But when the Noble Lord wishes to make use of the *Morning Chronicle*, he can do so,—not merely quoting from it, but dignifying it by introducing extracts from it into his letter. The manifesto was this:—

Our first point of union is the Ballot. But the Ballot, combined with the present limited franchise, and in the present—which is likely to be the permanent—temper of the disfranchised, would be an unendurable anomaly. It would aggravate the existing breach between the middle and working classes.

The Noble Lord was here quoting from the *Morning Chronicle*; and continued,—"I entirely agree in this opinion." You talk of practical results following the Ballot,—and what are they? To aggravate the existing breach between the middle and working classes! Why, in the present state of this country, can there be a greater political evil than an increase of disunion between those classes? Embarrassing as was the division in the Cabinet as to the Catholic question, or the administration of Ireland,—was that so grave an evil as, according to the Noble Lord's own showing, must be the division of the Cabinet on a question which, if carried, will widen the existing breaches between the different classes of society? The Noble Lord went on to say,—

I believe, if the Ballot could be made effectual, those who have no votes would be far more discontented than they now are. Ballot is suited to an absolute government of the few, or a free government where the suffrage is universal. The absolute aristocracy of Venice used it in its perfection; the people of the United States use it,—it accords with their principle, "that the majority is to govern." The will of the people of the United States is supreme; it has no check; and every one shares in the sovereignty. But for the middle classes of this country to pretend to an irresponsible and secret power over the destinies of the country, would be as the *Morning Chronicle* says, "an unendurable anomaly."

This is the opinion which the Noble Lord conscientiously entertains as to the Ballot; he thinks it would be an "unendurable anomaly." The Noble Lord (Lord Howick) has admitted the practical inconvenience of open questions; and says that he only agrees to allow this one to be such, from the hope of defeating it. The Honourable and Learned Member opposite (Mr. Macaulay) says the practice of open questions should prevail more than it has hitherto done, and that there ought to be exceptions in two cases, only.

Mr. MACAULAY.—I spoke historically: it was so fifty years ago.

SIR ROBERT PEEL.—The Honourable and Learned Gentleman's principle is—open questions; and he says that there are only two exceptions to the rule. One exception is, when an attack is made on the Government; and the other, when the Government bring forward public measures. In those the Government, according to the Honourable and Learned Gentleman, should be united; but the Honourable Member must see that the tendency of making open questions is to prevent public measures being brought forward by the Government. You would thus reduce the Government into a state of neutrality in public affairs, and they would always avoid to determine the dilemma they might be placed in by not bringing forward any measures at all.

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That was the state to which they were reduced on the Catholic question; the case was the same as to the Corn Law; and it is now the same as to the Ballot. Possibly the corn law question might be brought to a satisfactory arrangement, if the existing Government were united in opinion on that subject; but if you hold the doctrine of making those open questions, which, if close, would endanger the existence of the Government, you hold out an inducement to the Government to shrink from the proper exercise of its functions. Thus, the only Member of the House who could not propose any measure, would be a member of her Majesty's Government. They who, it is supposed, ought to lead the public mind in matters of legislation, —they who have the best means of access to important information,—would be incapacitated from submitting these matters to the Legislature; and whilst every other Gentleman, being a Member of the House, could propose such measures, the Government would be precluded from offering their views in a legislative form. Depend upon it, to make a vital question an open question, is to destroy the obligations of party connections. If this principle were admitted, I know no reason why Gentlemen of opposite principles on important political points, should not unite together, and form a Government, on the understanding that they should cautiously abstain from touching upon those questions on which they might not happen to agree? I know, from experience, that the effect of such a course would be to sow the seeds of disunion among the members of the Cabinet. How, for instance, would the Government administer their patronage? Each would be sincere in his opinions; and each would be asked by those who agreed with him, whether he had taken effectual means to support his own opinions? and would not each appointment be canvassed both by those who wished to maintain those opinions, as to what one would hold to be an essential alteration, and another a dangerous innovation? These are the grounds on which I cannot agree with the Honourable and Learned Gentleman. As my Right Honourable Friend (Sir J. Graham) has said, an imputation has been cast upon Mr. Pitt for the course he took with respect to the slave trade, and on parliamentary reform. It was constantly objected to him that he contrived to get defeated upon those questions by his own colleagues; and it was distinctly shown that much inconvenience was experienced in the result. The same thing occurred with respect to the Catholic question; and an outcry was raised against the Ministers, that they had abandoned the functions of the Government. Whatever the practice may have been in former years on this point, I think I may well refer to the evidence of Mr. Burke to show what inconvenience has been felt in the Cabinet in consequence of open questions.

The Honourable and Learned Gentleman will, doubtless, recollect the expressions of Mr. Burke respecting the Administration of Lord Chatham. He described it as being so chequered and so speckled a piece of machinery — such a piece of mosaic work — such a species of tesselated pavement, diversified with all colours, — "here a bit of white and there a bit of black," — Whigs and Tories, treacherous friends and open enemies, — that it presented a curious spectacle, but too unsafe to touch, and too unsound to stand. I remember that Mr. Tierney — bearing in mind, possibly, these observations of Mr. Burke — compared a similar Cabinet, not to a tesselated pavement, but to the alternating series of the black and white keys of a pianoforte. If the doctrine of the Honourable and Learned Gentleman were correct, there cannot be any reason why I and my friends near me should not walk over to the opposite benches, and conduct the government on the principle of "open questions," and on the honourable understanding, not only that we should not bring forward measures on which any difference of opinion might be entertained, but that we should, as far as possible, prevent others from bringing them forward. As I have referred to the speech of the Honourable and Learned Gentleman, I wish to answer one or two other points, ——

[Loud cries of "Divide!"]

But I will refrain. On the last occasion, I fully stated my opinion on the subject of the Ballot; and I should weary myself, and, I am sure, weary the House, by a repetition of former arguments. I still adhere to that opinion; and I will now content myself with expressing my objection to the principle of open questions.

Mr. GROTE. — I have tendered a cure for a great evil, the existence of which is admitted on all hands, and has been denied by none. I have endeavoured to show that, if the Ballot be not the remedy for it, no remedy can be found: and when the Noble Lord the Member for Stroud talks of intimidation going out of itself, I should like to know what the Noble Lord would

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have said if a similar argument had been used with respect to the evils of Canada? The real effect of open voting is, to increase the power of the rich, and not that of the poor; and when the Noble Lord speaks of the Chartists, and the discontent and sufferings of the middle classes, in consequence of the influence of the poorer classes, the Noble Lord is not aware that the influence of the poorer classes over men's votes is nothing like the influence exercised by the rich. There is no reason to suppose that the Chartists would be more discontented if the Ballot were granted than they are now; or that more demands would be made for extended suffrage than are already made. One word, only, as to the observations of the Noble Lord the Member for Northumberland. I have taken a note of the Noble Lord's avowal of the reason why he consented to make this an open question; and the Noble Lord may depend upon it, that the friends of the Ballot, both within and out of the House, will take a note of it also. After what the Noble Lord has publicly proclaimed, there will not be any great gratitude to him, on their part, for this being made an open question. It has been explained by the Noble Lord, that the larger half of the Cabinet make this an open question for the purpose of spoiling it.

[Cries of "No, no!"]

If such be not the intention of the larger half of the Cabinet, I am glad of it; but that is the avowed opinion of the Noble Lord himself. It stands recorded, that some Gentlemen in the Cabinet have made this an open question for the purpose of interposing a material impediment in the future progress of the Ballot; and when the friends of the Ballot weigh this avowal, I think there will be no additional feeling in favour of the Government in consequence of their so making this an open question.

LORD VISCOUNT HOWICK. — A word in explanation. With reference to what the Honourable Member for London has attributed to me, he appears to attach more importance to my words than they deserve. I expressed my own opinion only; and those of my Honourable Friends near me, who take a different view from me of the question of the Ballot, will also take a different view of the effect of making this an open question.

The House then divided: — Ayes 216; Noes 333; — Majority against the motion 117.

AYES.

Abercromby, Hon. G. R.	Evans, Sir De Lacy
Aglionby, H. A.	Evans, W.
Aglionby, Major	Ewart, W.
Alcock, T.	Fielden, J.
Anson, Hon. Colonel	Fenton, J.
Anson, Sir G.	Ferguson, Sir R.
Archbold, R.	Ferguson, R.
Attwood, T. (Birm.)	Finch, F.
Bainbridge, E. T.	FitzGibbon, Hon. Col.
Baines, E.	Fitzroy, Lord C.
Barnard, E. G.	Fleetwood, Sir P. H.
Barron, H. W.	Fort, J.
Barry, G. S.	Gillon, W. D.
Beamish, F. B.	Gordon, R.
Bellew, R. M.	Grattan, H.
Berkeley, Hon. H.	Grey, Rt. Hon. Sir G.
Bernal, R.	Guest, Sir J.
Bewes, T.	Hall, Sir B.
Blake, M. J.	Hallyburton, Lord D. G.
Blake, W. J.	Harvey, D. W.
Blewitt, R. J.	Hastie, A.
Blunt, Sir C.	Hawes, B.
Bodkin, J. J.	Hawkins, J. H.
Bowes, J.	Hayter, W. G.
Brabazon, Sir W.	Heathcoat, J.
Bridgeman, H.	Hector, C. J.
Brodie, W. B.	Hindley, C.
Brotherton, J.	Hobhouse, T. B.
Browne, R. D.	Hodges, T. L.
Bryan, G.	Hollond, R.
Buller, C.	Horsman, E.
Bulwer, Sir L.	Howard, F. J.
Busfeild, W.	Hume, J.
Butler, Hon. Colonel	Humphery, J.
Byng, Rt. Hon. G. S.	Hutt, W.
Callaghan, D.	Hutton, R.
Campbell, Sir J.	James, W.
Cave, R. O.	Jervis, J.
Chalmers, P.	Jervis, S.
Chapman, Sir M. L. C.	Johnson, General
Chester, H.	Kinnaird, Hon. A. F.
Chichester, J. P. B.	Lambton, H.
Clay, W.	Langdale, Hon. C.
Clive, E. B.	Langton, W. G.
Codrington, Admiral	Leader, J. T.
Collier, J.	Lister, E. C.
Collins, W.	Lushington, C.
Conyngham, Lord A.	Lushington, Rt. Hn. S.
Craig, W. G.	Lynch, A. H.
Crawford, W.	Macaulay, T. B.
Currie, R.	Macleod, R.
Dashwood, G. H.	Macnamara, Major
Davies, Colonel	M'Taggart, J.
Denison, W. J.	Marshall, W.
Dennistoun, J.	Marsland, H.
D'Eyncourt, Rt. Hon. C. T.	Maule, Hon. F.
Divett, E.	Molesworth, Sir W.
Duke, Sir J.	Murray, A.
Duncombe, T.	Muskett, G. A.
Dundas, C. W. D.	Norreys, Sir D. J.
Dundas, F.	O'Callaghan, Hon. C.
Dundas, Hon. J. C.	O'Connell, D.
Easthope, J.	O'Connell, John
Elliot, Hon. J. E.	O'Connell, M. J.
Ellice, Captain A.	O'Connell, Morgan
Ellice, E.	O'Connell, Maurice
Ellis, W.	O'Conor Don
Erle, W.	O'Ferrall, R. M.
Euston, Earl of	Ord, W.
	Paget, Lord A.

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Paget, F.
Palmer, C. F.
Parker, J. (Sheff.)
Parnell, Right Hon. Sir H
Parrott, J.
Pattison, J.
Pechell, Captain
Pendarves, E. W. W.
Philips, M.
Phillpotts, J.
Pigot, D. R.
Ponsonby, Hon. J.
Power, James
Pryme, G.
Ramsbottom, J.
Redington, T. N.
Rice, E. R.
Rich, H.
Rippon, C.
Roche, E. B.
Roche, W.
Roche, Sir D.
Rundle, J.
Russell, Lord
Russell, Lord C.
Salwey, Colonel
Sanford, E. A.
Scholefield, J.
Scrope, G. P.
Seale, Sir J. H.
Sharpe, General
Sheil, R. L.
Shelborne, Earl of
Sinclair, Sir G.
Smith, B.
Somers, J. P.
Somerville, Sir W. M.
Speirs, A.
Standish, C.
Stanley, Hon. E. J.
Stanley, M.
Stanley, W. O.
Stansfield, W. R. C.
Steuart, R.
Stewart, James
Stuart, Lord J.
Stuart, W. V.
Strickland, Sir G.
Strutt, E.
Style, Sir C.
Talfourd, Mr. Serjeant
Tancred, H. W.
Thomson, Rt. Hon. C. P.
Thornely, T.
Troubridge, Sir E. T.
Turner, W.
Verney, Sir H.
Vigors, N. A.
Villiers, Hon. C. P.
Vivian, Major C.
Vivian, J. H.
Vivian, Rt. Hon. Sir R. H.
Wakley, T.
Walker, R.
Wallace, R.
Warburton, H.
Ward, H. G.
White, A.
White, H.
White, S.
Wilde, Mr. Serjeant
Williams, W.
Williams, W. A.
Wood, Sir M.
Wyse, T.
Yates, J. A.

Tellers.

Grote, G.
Worsley, Lord

NOES.

Acland, Sir T. D.
Acland, T. D.
A'Court, Captain
Adare, Lord Viscount
Alford, Lord Viscount
Alsager, Captain
Alston, R.
Andover, Lord Visct.
Arbuthnott, Hon. H.
Archdall, M.
Ashley, Lord
Ashley, Hon. H.
Attwood, M.
Bagge, W.
Bagot, Hon. W.
Bailey, J. (Wor.)
Bailey, J. jun.
Baillie, Colonel
Baker, E.
Baring, F. T.
Baring, Hon. F.
Baring, H. B.
Baring, Hon. W. B.
Barneby, J.
Barrington, Lord Visct.
Bateson, Sir R.
Bell, M.
Benett, J.
Bentinck, Lord G.
Bethell, R.
Blackstone, W. S.
Blair, J.
Blakemore, R.
Blandford, Marquess of
Blennerhassett, A.
Boldero, H. G.
Bolling, W.
Bradshaw, J.
Bramston, T. W.
Broadley, H.
Brownrigg, S.
Bruce, Lord E.
Bruges, W. H. L.
Buck, L. W.
Buller, E.
Buller, Sir J. Y.
Burdett, Sir F.
Burrell, Sir C.
Burroughes, H. N.
Byng, G.
Calcraft, J. H.
Canning, Rt. Hon. Sir S.
Cantalupe, Lord Visct.
Cartwright, W. R.
Castlereagh, Lord Vt.
Cavendish, Hon. C.
Cavendish, Hon. G. H.
Cayley, E. S.
Chapman, A.
Chetwynd, Major
Childers, J. W.
Christopher, R. A.
Chute, W. L. W.
Clayton, Sir W. R.
Clive, Hon. R. H.
Codrington, C. W.
Cole, Hon. A. H.
Cole, Lord Viscount
Colquhoun, J. C.
Compton, H. C.
Conolly, E.
Cooper, E. J.
Coote, Sir C. H.
Copeland, Alderman
Corry, Hon. H.
Courtenay, P.
Cowper, Hon. W. F.
Cresswell, C.
Dalrymple, Sir A.
Damer, Hon. D.
Darby, G.
Darlington, Earl of
De Horsey, S. H.
Dick, Q.
D'Israeli, B.
Donkin, Sir R. S.
Douglas, Sir C. E.
Dowdeswell, W.
Duffield, T.
Dugdale, W. S.
Dunbar, G.
Duncombe, Hon. W.
Duncombe, Hon. A.
Dungannon, Lord Vt.
Du Pre, G.
East, J. B.
Eastnor, Lord Viscount
Eaton, R. J.
Egerton, W. T.
Egerton, Sir P.
Egerton, Lord F.
Eliot, Lord
Ellis, J.
Estcourt, T. (Oxf. U.)
Estcourt, T. (Devizes)
Farnham, E. B.
Farrand, R.
Fazakerley, J. N.
Feilden, W.
Fector, J. M.
Fellowes, E.
Ferguson, Sir R. A.
Filmer, Sir E.
Fitzpatrick, J. W.
Fitzroy, Hon. H.
Fleming, John
Foley, E. T.
Forester, Hon. G.
Fremantle, Sir T.
French, F.
Freshfield, J. W.
Gaskell, J. M.
Gladstone, W. E.
Glynne, Sir S. R.
Goddard, A.
Godson, R.
Gordon, Hon. Captain
Gore, O. J. R.
Gore, O. W.
Goulburn, Rt. Hon. H.
Graham, Rt. Hn. Sir J.
Grant, F. W.
Greene, T.
Grimsditch, T.
Grimston, Lord Visct.
Grimston, Hon. E. H.
Grosvenor, Lord R.
Hale, R. B.
Halford, H.
Handley, H.
Harcourt, G. G.
Harcourt, G. S.
Hardinge, Rt. Hon. Sir H.
Harland, W. C.
Hawkes, T.
Hayes, Sir E.
Heathcote, Sir G.
Heathcote, Sir W.
Heathcote, G. J.
Heneage, E.
Heneage, G. W.
Henniker, Lord
Hepburn, Sir T. B.
Herbert, Hon. S.
Herries, Rt. Hn. J. C.
Hill, Sir R.
Hillsborough, Earl of
Hinde, J. H.
Hodgson, F.
Hodgson, R.
Hogg, J. W.
Holmes, Hon. W. A'C.
Holmes, W.
Hope, Hon. C.
Hope, H. T.
Hope, G. W.
Hotham, Lord
Houldsworth, T.
Houstoun, G.
Howard, P. H.
Howick, Lord Visct.
Hughes, W. B.
Hurt, F.
Ingestre, Lord Visct.
Ingham, R.
Inglis, Sir R. H.
Irton, S.
Irving, J.
Jackson, Mr. Serjeant
James, Sir W. C.
Jenkins, Sir R.
Jermyn, Earl
Johnstone, H.
Jones, J.
Jones, Captain
Kelly, F.
Kemble, H.
Kilburne, Lord Visct.
Knatchbull, Rt. Hon. Sir E.
Knight, H. G.
Knightley, Sir C.
Knox, Hon. T.
Lascelles, Hon. W. S.
Law, Hon. C. E.
Lefroy, Rt. Hon. T.
Lemon, Sir C.
Lennox, Lord A.
Leveson, Lord
Liddell, Hon. H. T.
Lincoln, Earl of
Litton, E.
Lockhart, A. M.
Long, W.
Lowther, Hon. Colonel
Lowther, Lord Visct.
Lowther, J. H.
Lygon, Hon. General
Mackenzie, T.
Mackenzie, W. F.
Mackinnon, W. A.
Maclean, D.

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Mahon, Lord Viscount
Maidstone, Lord Visct.
Manners, Lord C. S.
Marsland, T.
Marton, G.
Master, T. W. C.
Mathew, G. B.
Maunsell, T. P.
Meynell, Captain
Mildmay, P. St. John
Miles, W.
Miles, P. W. S.
Miller, W. H.
Milnes, R. M.
Mordaunt, Sir J.
Moreton, Hon. A. H.
Morgan, C. M. R.
Neeld, Joseph
Neeld, John
Nicholl, J.
Noel, Hon. W. M.
Norreys, Lord
Ossulston, Lord
Owen, Sir J.
Packe, C. W.
Pakington, J. S.
Palmer, R.
Palmerston, Lord Vt.
Parker, M.
Parker, R. T.
Parker, T. A. W.
Patten, J. W.
Peel, Rt. Hon. Sir R.
Peel, J.
Pemberton, T.
Perceval, Hon. G. J.
Philipps, Sir R.
Pigot, R.
Planta, Rt. Hon. J.
Plumptre, J. P.
Polhill, F.
Pollen, Sir J. W.
Pollock, Sir F.
Powell, Colonel
Powerscourt, Ld. Visct.
Praed, W. T.
Price, Sir R.
Price, R.
Pringle, A.
Pusey, P.
Rae, Rt. Hon. Sir W.
Reid, Sir J. R.
Rice, Rt. Hon. T. S.
Richards, R.
Rickford, W.
Rolfe, Sir R. M.
Rolleston, Lancelot
Round, C. G.
Round, J.
Rumbold, C. E.
Rushbrooke, Colonel
Rushout, G.
Russell, Lord J.
Sanderson, R.
Sandon, Lord Visct.
Scarlett, Hon. J. Y.
Seymour, Lord
Shaw, Rt. Hon. F.
Sheppard, T.
Shirley, E. J.
Sibthorp, Colonel
Slaney, R. A.
Smith, A.
Smith, G. R.
Smyth, Sir G. H.
Somerset, Lord Granville
Spencer, Hon. F.
Spry, Sir S. T.
Stanley, E.
Stanley, Lord
Staunton, Sir G. T.
Stewart, John
Stock, Dr.
Stormont, Lord Visct.
Sturt, H. C.
Sugden, Rt. Hn. Sir E.
Surrey, Earl of
Talbot, C. R. M.
Teignmouth, Lord
Tennent, J. E.
Thomas, Colonel H.
Thornhill, G.
Townley, R. G.
Trench, Sir F.
Turner, E.
Tyrell, Sir J. T.
Vere, Sir C. B.
Verner, Colonel
Vernon, G. H.
Villiers, Lord Visct.
Vivian, J. E.
Waddington, H. S.
Wall, C. B.
Walsh, Sir J.
Welby, G. E.
Whitmore, T. C.
Wilbraham, G.
Williams, R.
Williams, T. P.
Wilmot, Sir J. E.
Wilshere, W.
Winnington, T. E.
Wodehouse, E.
Wood, C.
Wood, Colonel T.
Wood, T.
Wrightson, W. B.
Wyndham, W.
Wynn, Rt. Hn. C. W.
Yorke, Hon. E. T.
Young, J.
Young, Sir W.

Tellers.
Clerk, Sir G.
Smith, R. V.

SMALL TENEMENTS.

On the motion of Mr. SANFORD, Bill "to exempt Tenements of Small Value from Assessment to the Parochial Rates," ordered to be brought in by Mr. SANFORD and Mr. POULETT SCROPE. Bill subsequently presented, and read a first time; to be read a second time on Wednesday, the 26th of June, and to be printed.

SOLDIERS' PENSIONS.

Bill "to regulate the Payment and Assignment n certain Cases of Pensions granted for Service in her Majesty's Army, Navy, Marine, and Ordnance," ordered to be brought in by SIR HENRY PARNELL and LORD VISCOUNT HOWICK.

PAYMENT OF RATES.

On the motion of Mr. PRYME, — Bill "for the more effectual relieving of Poor Persons from the Payment of Rates or Cesses," ordered to be brought in by Mr. PRYME and Mr. YATES.

SEWERS BILL.

Order for further consideration of Report, read; Bill recommitted to a select committee: — Mr. Christopher, Lord Granville Somerset, Mr. Law Hodges, Mr. William Miles, Lord Worsley, Mr. Bethell, Mr. Addams Williams, Mr. Wilson Patten, Mr. Edward Rice, Mr. Bramston, Mr. Sanford, Mr. Kemble, Mr. Freshfield: — Five to be the quorum.

EXCHEQUER OF PLEAS BILL.

Second reading deferred till this day.

LONDON CORPORATION ESTATE BILL.

Third reading deferred till this day.

ELECTORS' REMOVAL BILL

Third reading deferred till Thursday.

SUGAR DUTIES BILL.

Read a second time, and committed for Friday.

RETURN.

Handloom Weavers. — On the motion of Mr. CHALMERS, Address for —

Return of the number of convictions for the embezzlement of yarns by handloom weavers and others in the town of Forfar, in the years 1837 and 1838.

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METROPOLIS POLICE AND METROPOLIS POLICE COURTS (ADVANCES OUT OF THE CONSOLIDATED FUND).

Mr. FOX MAULE. — I have now to move that the House resolve itself into a committee, to take into consideration the advances out of the Consolidated Fund requisite for the Metropolitan Police and Metropolitan Courts Bill.

Mr. LAW. — I wish to know from the Honourable Gentleman, whether the votes to be taken are for the Metropolitan Police, or the Metropolitan Police Courts Bill? If any of the votes are for the latter Bill, I shall feel called upon to oppose them. I also wish to know whether any larger grant is to be taken than was voted formerly? For instance, I find in one of the clauses of the Police Courts Bill the sum of 50,000*l.* inserted for building and other purposes.

Mr. FOX MAULE. — The votes are undoubtedly for both Bills. It is necessary that this preliminary step should be taken before we proceed with either of them. I do my duty in urging them from day to day; but, of course, it is with the House to say whether they shall progress.

Mr. LAW. — It is my intention to oppose the Police Courts Bill; and this being one of the preparatory stages of that Bill, I must object to the vote being taken at this late hour.

Mr. FOX MAULE. — The Honourable and Learned Gentleman will have an opportunity of discussing every clause of the Bill when in committee, and to oppose it if he think necessary. I should state, in reply to the question the Honourable and Learned Gentleman just now put to me, that there certainly is a slight increase in the vote; for instance, a superannuation fund is to be formed, and an increase is to be made in the salaries of the Commissioners of Police.

Mr. LAW. — I have given notice of my intention to oppose the motion for the House going into committee on the Police Courts Bill, to which I entertain strong objections; and, considering that the step now proposed is to pledge the House to an increased expenditure, I shall feel bound to take the sense of the House against the motion of the Honourable Member, if it be persisted in.

COLONEL SIBTHORP. — My opposition is not confined to the Police Courts Bill. I shall take a straightforward course; and, if the Honourable Member persist in his motion, I shall be compelled to trouble you, Sir, to count the House.

Mr. FOX MAULE. — I have no wish to press the motion against the feeling of the House, and will therefore postpone the committee till to-morrow.

Committee accordingly deferred till to-morrow.

Adjourned at a quarter after two o'clock.

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HOUSE OF COMMONS, MERCURII, 19° DIE JUNII, 1839.

PRIVATE BUSINESS.

Ship Propeller Company Bill. — Petition of Bennet Woodcroft and Robert Gardiner, against. — To lie on the table.

Norwich Improvement Bill. — Reported; to be ingrossed.

London Corporation Estate Bill; London City Police Bill. — Third readings deferred till Friday.

South Eastern Railway (No. 2.) Bill. Read a third time; amendments made; Bill passed.

Warrington Small Debts Bill; Grantham Small Debts Bill. — Committees revived; leave to sit and proceed on Friday.

Manchester and Leeds Railway Bill. — Lords' amendments agreed to.

Moy Navigation Bill. — Read a third time, and passed.

ALLISON'S DIVORCE BILL.

Order (18th June) for committing the Bill to a committee of the whole House, read.

Mr. W. PATTEN. — I move, Sir, that the order for committing this Bill to a committee of the whole House be discharged, and that the Bill be committed to Mr. ORD and the South Northumberland list. I do not make this motion on any ground connected with the merits of the Bill, but only because I think the evidence will be better sifted and considered by a select committee; I shall also move that the evidence taken before the House of Lords upon oath be laid before that committee.

Mr. CHRISTOPHER. — I second the motion, in the hope that, in every future Session of Parliament, a committee will be specially nominated to consider Bills of this nature.

Mr. FRESHFIELD. — Too much caution cannot be observed in the proceedings under Divorce Bills, which are really Bills of Pains and Penalties, and I certainly think that the appointment of a judicial committee for the purpose of considering and deciding on all such questions would be a great improvement on the present practice of hearing evidence at the bar before a committee of the whole House.

Mr. GREENE. — The motion of the Honourable Member involves a principle of considerable importance, inasmuch as it goes to establish a change in the practice of the House; and I regret that it should have been mooted in so thin a House. I consider the existing mode of our procedure in Divorce Bills in this House to be perfectly disgraceful; and I do believe that nine tenths of the Members present have not the slightest idea of the evidence elicited at the bar in such cases. The whole business is so disgraceful that I think strangers ought, on such occasions, to be excluded. In the mean time, I trust that the further discussion of this question will be postponed till we have a fuller attendance of Members.

Mr. W. PATTEN. — I have no objection to postpone the discussion. The House, in consequence of the scene that took place upon the examination of witnesses on the last Divorce Bill, clearly evinced a wish to avoid the recurrence of such matters. For that reason, I have taken the subject up. I am of opinion that a special committee should be appointed to examine the evidence on all such questions; but it is too late to carry out that plan this Session; and I therefore propose, as the next best course, that this Bill should be referred to a committee, according to the course usually followed on Private Bills.

Mr. ESTCOURT. — It certainly is too late to propose the appointment of a special committee at this period of the Session; but, in the mean time, I think it more desirable to follow the course proposed by my Honourable Friend the Member for North Lancashire, than to have any repetitions of the scene to which he has alluded. I therefore hope that the

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Honourable Member for Lancaster will withdraw his objection to the motion.

Order discharged; Bill committed to Mr. ORD and the South Northumberland list; leave to committee to sit and proceed on Wednesday next.

Ordered, That a Message be sent to the Lords, to request that their Lordships will communicate to this House a copy of the evidence taken before their Lordships in the case of Allison's Divorce Bill.

PUBLIC BUSINESS.

EAST INDIA COMPANY.

Home accounts of the company, presented (by Act). — To lie on the table.

CHURCH LEASES COMMITTEE.

Lords' Message (the 17th of June), requesting copy of Report, considered. — Printed copy to be communicated to the Lords.

RAILWAYS COMMITTEE.

Lords' Message (the 18th of June), requesting copy of Report, considered. — Printed copy to be communicated to the Lords.

SOLDIERS' PENSIONS BILL,

"To regulate the Payment and Assignment in certain Cases of Pensions granted for Service in her Majesty's Army, Navy, Royal Marines, and Ordnance." — Presented, and read a first time; to be read a second time on Thursday, the 27th of June, and to be printed.

MISCELLANEOUS PETITIONS.

The following petitions were severally presented, and ordered to lie on the table, namely, —

Church Establishment (Canada, &c.), — By LORD CLIVE, — from Ludlow, for extension.

Postage, — By Mr. CURRIE, Mr. T. DUNCOMBE, and other Honourable Members, for a low and uniform rate, — from Hoxton; Ilsington; Ottery St. Mary; Talaton; Culmstock; Hemiock; Preston; Daventry: persons employed in Mordan and Co.'s manufactory, Finsbury; Collard and Collard, Tottenham Court Road; Frederick Cowper, Russell Square; and D. and E. Bailey, Holborn.

Church of Scotland, — By Mr. MACAULAY and Mr. HASTIE, for extension of, — from Edinburgh; and Paisley.

Maynooth College, — By LORD VISCOUNT DUNGANNON and CAPTAIN ALSAGER, against further grant to, — from Winslow; Little Horwood; and Associate Synod of Scotland (moderator).

Ballot, — By Mr. E. BULLER, — from Fenton Vivian and Fenton Culvert, in favour.

Annuities, — By Mr. E. BULLER, — of Cadogan Williams, suggesting a scheme relative to deferred annuities, as affecting the industrious classes.

Army, — By Mr. LITTON, — of the presbytery of Dublin, for enabling Presbyterian soldiers to participate in the services of their church.

Lord's Day, — Of the moderator of the Associate Burgher Synod in Scotland, for securing the better observance thereof.

Education, — By SIR C. B. VERE, Mr. CHRISTOPHER, Mr. R. HILL, Mr. CODRINGTON, Mr. BURROUGHES, Mr. CLIVE, LORD ELIOT, Mr. CHUTE, Mr. G. KNIGHT, Mr. BLACKSTONE, Mr. BAGGE, LORD VISCOUNT MAIDSTONE, LORD NORREYS, LORD DUNGANNON, and other Honourable Members, against the proposed scheme, — from Deane; Wymondham; Smalburgh; Neen Savage; Stoke Damerel; Snettisham; Honingham and East Tuddenham; Swanton Morley; Blakeney; Earl's Colne; Nuthall; Onehouse; Buxhall; Terrington; East Dereham; Clifton; Birmingham (two petitions); Beeston St. Laurence and Ashmanhaugh; Northleach; Little Berkhamstead, &c.; Shrewsbury (two petitions); Stretton on Dunsmore Coventry; Ruskington; Kingston upon Thames; Stockbridge; Ash (Surrey); Crawley; Whersted; Otley; Walton upon Thames; Epsom; Stoke next Guildford; Saxmundham, Kelsale, and Carlton; Furness; Ipswich; Badley; Kidderminster; Wroxham; Bacup, &c.; Rakefoot; Tarporley; St. Anne, Westminster; Wigan; Long Holme; Stockport; Chester; Deanery of Cumberland; Longbridge, &c.; St. John, Hampstead; St. George the Martyr, Queen Square, Middlesex; Clapham; Shalstone; Winslow; Westburn; Bury St. Edmund's;

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Redditch, &c.; Northallerton; Biddlesden; Turweston; St. Dunstan in the West, London; Tangmere; Lingen; Beaminster; Cusop; Melson; Neen Solers; Coreley; Conton and Teeton; Staverton; Pudsey; Henllan; Llanynys; St. Alban's; Gloucester (two petitions); Adstock; Allerdale; Wotton Underwood; Ashenden; Hartlebury; Boddicot; Stone (Worcester); Bramley and Brampton; Wickersley and Whiston; Rawmarsh; Thorpe; Hoober and Haugh; Wentworth and Greasbrough; Tarleton; Lavendon and Brayfield; Marple, &c.; Taunton; Walsall; Bloxwich; West Bromwich; Thrumpton; Crowle; and Dunstable.

By Mr. CRAWLEY, LORD A. CONYNGHAM, Mr. T. DUNCOMBE, CAPTAIN BERKELEY, LORD VISCOUNT MELGUND, and CAPTAIN PECHELL, in favour of the proposed scheme, — from New Shoreham; West Bromwich; Plymouth; Bedford; Canterbury; Clerkenwell; Hythe; Bath: deputies from congregations of Protestant Dissenters in and within twelve miles of London: Chichester; Alford; and Towcester.

Education, — By Mr. HOPE, CAPTAIN WOOD, SIR T. FREMANTLE, and other Honourable Members, against the altered plan of national education, — from Benefield; Lowestoft; Corton; Gunton; Tottenhill; West Lynn (St. Peter's); Wormegay; West Winch; North Runcton; King's Lynn (two petitions); and Terrington.

By COLONEL SIBTHORP, SIR W. FOLLETT, SIR E. SUGDEN, LORD MANNERS, SIR R. PEEL, Mr. W. PATTEN, and other Honourable Members, for revoking the Order of Council appointing a committee to superintend the application of the grants for education, — from Lincoln (two petitions); Exeter (seven petitions); Grappenhall; Latchford; Alverstoke; Chelsea; Eccleshall; Standon; Calton; Ormskirk; Reading; Leek; Leekfrith; Ipstones; Grindon; Daventry; Dallington; North Bierley; Sweffling; Rondham; Newark upon Trent: clergy of the deanery of Ripon: Baswick; Warrington; Louth; Rotherhithe; Coventry; Kingslangley; Berkhampstead and North Church; Bovingdon; Wallingford (two petitions); Paston; Ashby-de-la-Zouch; Tamworth; and Birmingham (two petitions).

Jamaica, — Of proprietors and managers of estates and others interested in the continued cultivation of the soil in the parish of St. Thomas in the East, Jamaica, complaining of the distressed condition of that colony, arising from the unwillingness of the emancipated negroes to engage in the cultivation of the soil.

Education (Ireland), — By SIR R. BATESON, — from Londonderry, against the present system.

County Courts Bill, — By Mr. PARKER, — of the chairman of the Law Society of Preston, for exempting the county of Lancaster from the operation of the Bill. — Referred to the select committee on the Bill.

ECCLESIASTICAL DUTIES AND REVENUES BILL.

Committee deferred from Monday next till Wednesday next.

RETURNS.

Bank of Ireland. — On the motion of Mr. HUME, Return ordered —

Of the actual amount of the Government balances in the hands of the Bank of Ireland on the 28th day of February, the 31st day of May, the 31st day of August, and the 30th day of November, in each year, from the year 1820 to the year 1839.

Similar Return for the same period, of the average amount in each quarter, ended the 1st day of January, the 1st day of April, the 1st day of July, and the 1st day of October.

JAMAICA LAWS BILL.

LORD JOHN RUSSELL. — I move that the Order of the Day for the third reading of the Jamaica Laws Bill be now read.

Mr. HUME. — I beg to be informed whether any answer has been sent to the request of the House of Assembly, praying her Majesty's Government to tell them whether they will be allowed to legislate for the colony, as they are entitled to do, or whether the colony is still to be governed by the Order in Council?

LORD JOHN RUSSELL. — I think the Honourable Member has entirely misunderstood the nature of the demand made by the House of Assembly, which amounts to a request that the Ministers of the Crown will give up the right of parliamentary legislation. It is quite impossible for the Crown to give up that power, and therefore no answer has been

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given to the request of the House of Assembly.

Mr. HUME. — I protest against such an interpretation of the language used by the House of Assembly. If I were to read that request, I would convince the House that the Noble Lord is in error. All that the House of Assembly has done is, to ask a simple question, which any man of common sense could have replied to. I will not now express any opinion on the Prisons Bill; but this House, by that Bill, having interfered, and taken from the House of Assembly the power of legislating for the internal affairs of the colony, the House of Assembly wish to know whether they are yet at liberty to legislate for their internal affairs, because it is no use for them to proceed with legislation, if they do not obtain an assurance that their legislation will not be interfered with. All that the resolutions declare is, —

That an Act of the British Parliament, intituled, "An Act for the better Government of Prisons in the West Indies," is a violation of our inherent rights as British subjects, as recognised by the constitution of this island, and the Act of Parliament 18 Geo. III. c. 12. That the same has not, and ought not, to have the force of law in this island, and that the authorities will not be justified in acting on it. That the violation of our rights by the Parliament of Great Britain, in which we are not represented, is the less excusable, inasmuch as the House was prepared to enter into the consideration of prison discipline, as soon as the Report of her Majesty's commissioner was officially before them. Therefore, that, in the opinion of this House, they will best consult their own honour, the rights of their constituents, and the peace and wellbeing of the colony, by abstaining from the exercise of any legislative functions, excepting such as may be necessary to preserve inviolate the faith of the island with the public creditor, until her Most Gracious Majesty's pleasure shall be made known, whether her subjects of Jamaica, now happily all in a state of freedom, are henceforth to be treated as subjects, with the power of making laws, as hitherto, for their own government, or whether they are to be treated as a conquered colony, and governed by parliamentary legislation, Orders in Council, or, as in the case of the late amended Abolition Act, by investing the Governor of the island with the arbitrary power of issuing proclamations, having the force of law over the lives and properties of the people.

I contend that the fair interpretation of that request is, not that they have refused to legislate, but that, Parliament having interfered, they wish to know whether they are to be permitted to legislate, or not? No answer has yet been sent to that request; and on that ground I take my stand against these proceedings on the part of the Government.

Mr. LABOUCHERE. — The statement of the Honourable Gentleman the Member for Kilkenny, upon the subject, is quite erroneous, as regards the spirit which actuated the House of Assembly of Jamaica. The question they ask, in fact, is, "Will you, on the part of the Government and of the Parliament, assure the House of Assembly of Jamaica that the Parliament will deal with it in a different manner from that which it has hitherto acted in?" Of course, the Government can give no such pledge. But, in considering what course the Government ought to take, I would remind Honourable Members of the resolution to which this House came by a large majority, in which, if I am not mistaken, the Honourable Member for Kilkenny himself voted. After the Abolition Act Amendment Bill was passed, the House came to a solemn resolution, by which they deliberately determined that they would continue to watch over the negro, and, if necessary, that they would interfere for his protection. The resolution was agreed to on the 29th of May, 1838, and is to this effect: —

That this House, at the same time, declares its opinion that no means should be omitted which can tend to secure to the negro population of her Majesty's colonies the privileges to which they are entitled under the Act for the Abolition of Slavery, and under the Act for the Amendment of the Slavery Abolition Act; and, further, that the anxious attention of this House will be directed to the state and condition of the negro population, when the expiration of the term of apprenticeship shall have entitled them to the full enjoyment of entire freedom.

Now, I put it to the House, who know what are the resolutions which have been passed by the House of Assembly, and who know what complaints have been made by them, to couple those resolutions and complaints with the demand made by the Assembly, that the Government would deal with them in a different manner from that in which they have hitherto dealt with them; and I would ask the House, whether the Government would not have been guilty of an act of the grossest delusion, if they had used any language to Jamaica which would have induced the Assembly to imagine that Parliament is in any way disposed to relax its vigilance on behalf of the negro? I feel that no justification is wanting on the part of the Government for proceeding with this Bill; for, if there be any fault to be found with the conduct of the Government, it is for having pushed forbearance to the very limits of weakness, and for having been too slow to act. I approve of the Abolition Act; and, approving of it, I think that the Government ought not to use any lan-

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guage which might countenance any delusion on the part of the Assembly of Jamaica, — since we are determined, if the Assembly will not do their duty, to do it for them.

The Order of the Day having been read, —

Mr. LABOUCHERE said : — In moving that the Jamaica Bill be read a third time, I will take this opportunity of stating that I have considered the objection taken by the Right Honourable and Learned Member for Ripon, relative to the time at which the Governor in council shall proceed to legislate, if the Assembly shall not have previously legislated. In proposing this Bill, I said that it was far from my intention to fix a period which would not give the Assembly ample time to legislate; and instead of the 1st day of October next, I mean to fill up the blank with the words "the 15th day of November."

Mr. T. DUNCOMBE. — Supposing that this Bill shall be passed, will it be administered by the present Governor of Jamaica?

LORD JOHN RUSSELL. — I believe that Sir Lionel Smith, the present Governor of Jamaica, either has been, or is about to be, appointed Governor of the Mauritius, — so that it cannot be administered by him.

Mr. HUME. — As there is to be a division on the first clause, I will, now, simply enter my protest against the third reading of the Bill, but will not divide against it.

Bill read a third time.

On the question, "That the Bill do pass," being put, —

Mr. GOULBURN said: — As this is a subject which, on a former occasion, was amply discussed, and as there is another question which stands for this evening, possessing universal interest, I think I shall best consult my duty by compressing within a very narrow compass, indeed, the observations with which I shall preface the motion I am about to make. The first point I shall refer to is one of form. I had intended to move the omission of all the words in the first clause; but if I were to do that, I should preclude the Right Honourable Gentleman from making that alteration in the date which he wishes to effect. I shall therefore propose to leave out all the words of the clause up to the date; and if I succeed in this motion, I will then move to omit the remaining portion of the clause. If I correctly understand what has already taken place in the House, and the assurance which has been given by the Government, I must believe that the Government, *bonâ fide*, wish to give the Assembly the power and the opportunity of continuing to legislate for Jamaica, and that they are sincerely desirous that the popular branch of the Legislature should not be placed in abeyance. Giving them, therefore, credit for their sincerity, I cannot see how they can oppose the motion which I am about to make, — since the first clause in the Bill must necessarily tend to produce feelings in the Assembly, which will make it impossible for any man to sit and legislate as a member of that body. It is not likely that men who have been sent back to their constituents, and have received their sanction and approbation, will, now, retrace their steps. These are the difficulties of the case; but I think these difficulties may be surmounted. I have seen letters from members of the House of Assembly, stating that the Assembly is not indisposed to conciliatory proceedings. It should be recollected that the resolutions of the Assembly were carried by a minority of the whole body, — by 21 out of 45 members. I think it fair, therefore, to infer that the House of Assembly does not entertain, as a body, the strong opinions which some Members of the House have expressed; and that, if an opportunity be given to them, they will act in accordance with the wishes of the Government. It is for this reason that I do not wish to retain the objectionable clause. I will not say one word upon the topics which have been touched upon before; — I will not say one word about the conduct of the Government; — I will say nothing which can have any tendency to excite angry feeling. I will merely state that the laws which it is proposed to enact, render it extremely difficult to carry into effect the object which the Government profess to have in view. I do not know whether the Honourable Gentlemen opposite have read those laws, the passing of which was made a condition of non-interference by the Governor in council; but, in the multitude of papers which have been laid upon the table of the House, I am afraid — and the smile of the Right Honourable Gentleman confirms my apprehensions, — that they have not given to those laws the

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perusal to which they are well entitled. The clause directs that the House of Assembly shall pass, in principle, the same laws as those which were mentioned in the Orders in Council; and it is professed that those laws should be limited to contract, vagrancy, and squatting. Now, I will show that it is impossible for the House of Assembly, if their object be only the public good, to assent to that proposition.

[Cries of "Divide!"]

I am sorry to trespass upon the time of the House, and I can assure Honourable Members I shall confine myself to one or two points, in regard to which I am convinced the House will go along with me in opinion that the Assembly could not possibly consent so such laws. I will take the contract laws as an example. The contract laws, proposed to the House of Assembly, go to repeal all the former contract laws; and whether they are to be retrospective, or not, is not quite clear: but I apprehend there is no intention that they should be so. In the next place, it is provided that no contract between master and servant shall be made beyond the limits of the colony, and that all such contracts shall endure for one year only. Now, what is the effect of that provision? I speak, now, as an individual cognizant of the facts. It has been my lot, as it has been that of almost every West India proprietor, and from motives entirely unquestionable, to engage persons in this country under contracts for the term of three, four, five, or even seven years, to be employed on their estates in Jamaica as coopers, carpenters, and ploughmen. It is one great object of the planters, and of the Assembly also, to introduce agricultural improvements into the colony; and the attainment of that object could not fail to diminish the labour of the negroes, and, of consequence, render more practicable the cultivation of the colony. It is, therefore, no less desirable to the planters than to the negroes, and to the friends of humanity, that every facility should be afforded for the purpose of introducing an improved system of cultivation; but if the contract laws which are proposed be adopted by the Assembly, that improvement will be greatly retarded. Is it likely that any person would consent to leave this country and to go out to Jamaica, without having a certainty of employment for some years? Would any persons be so rash as to enter into an engagement in this country with the knowledge that the engagement into which they might enter here would be invalid there; and with the certainty that, when they arrived in the colony with a contract for seven years, that contract would be of no force? Is it possible that the House of Assembly, if they wish to promote the agricultural prosperity of Jamaica, can assent to a proposition which would entirely preclude the sending out of servants from this country — servants who are most valuable to their masters, and who are of little less value to the negroes themselves, because they communicate to them a knowledge of the most improved modes of cultivating the land? Then, again, look at the inequality of the law. The law between master and servant is, that if the servant injure the property of his master, a pecuniary fine is imposed. That is fair; and so far I agree with the provisions of the law; but then, there is no power of levying the fine upon the servant, given by the Order in Council. If the servant set fire to his master's property, the fine to be imposed for that offence could not be levied by distress; but if the master should neglect to furnish the servant with anything specified in the contract, the servant could recover damages by distress. The master is obliged to have recourse to an action of debt to recover from the servant, whereas the servant may recover from the master, immediately, by distress. Then, again, the servant, for an offence against the master, may be imprisoned for the term of fourteen days; but if the master injure the servant, by violating any of the articles of the contract, the master may be imprisoned for a month.

Sir, I have one more objection to take. The Act to which I have been alluding affects the whole judicial system of the colony, and cannot fail seriously to injure the interests of justice. What are the provisions of this law? It provides for the holding of petty sessions; and how are those sessions to be held? It is provided that there shall, in every court of petty sessions, be not less than two stipendiary magistrates; and they are to have the option of not admitting more than one of the local magistrates. Now, I would ask, whether anything could be more unjust than such a provision? whether anything could have been devised, more likely to destroy that confidence which it is of so much importance should exist between the negroes and the proprietors of the colony? Besides, the appointment of magistrates is vested in the Crown; and what necessity is there, therefore, for asking the House of Assembly to legislate at all upon the subject? Can it be called a conciliatory proceeding, to go to the House

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of Assembly, the members of which are themselves magistrates, and ask them to pass a measure which would reduce them to a position similar to that of the wild animal in the story, when placed between two tame elephants? By such a step we should degrade justice, and create a feeling of hostility in the minds of the local magistracy, which could not fail to prove injurious to the best interests of the colony. The admission of such a man, even, as my Lord Seaford, into a court of petty sessions, is to be made dependent upon the will of two stipendiary magistrates; and I would ask any Member of this House, what his feelings would be if he was told he should only sit in a court of petty sessions by permission of two paid London magistrates? I shall not trouble the House further, as I think I have said enough to show the impolicy of the first clause of this Bill; and I shall therefore move that the words of the clause which I have specified be left out.

The question having been put, —

Mr. HUME said: — Sir, my objection to this Bill is to its general principle, and not to any clause in particular; although I admit that, when compared with the last Bill, it is much less offensive. This measure is much more constitutional than the last, for it does not suspend the constitution of the colony, or impose any tax; but still it authorises an interference with the powers of the Assembly, which I feel myself obliged to protest against. Where is the necessity for this measure? I deny that any case of necessity has been made out; and there is not one document upon the table of the House by which it can be shown that this measure is required in order to secure the peace or prosperity of the colony. It is therefore upon principle that I object to this Bill. For what purpose do we interpose? Is it to protect the negroes, or to secure the tranquillity of the colony? No such thing. The country is in a state of the most profound tranquillity, and all the interests of the colony are prosperous. The Noble Lord will not legislate for Canada, which is in a state of anarchy; but he asks us to legislate for Jamaica, which reposes in profound peace. I will produce documents to the House to show that this is the case. I hold in my hand a letter from Mr. J. M. Phillipps to Mr. Sturge, who has taken so much interest in the condition of the negroes, in which that gentleman says, —

I am exceedingly concerned to find that the planters have succeeded in creating the panic to which you allude. They have made a desperate effort to do this, and they have succeeded. It is currently reported here, that the London journalists, who have lately manifested so much sympathy with our late slave-masters, have been bought for that purpose; and they have certainly shown themselves, especially the professedly anti-aristocratical part of them, by no means insensible to bribes. Should the Government at all listen to the misrepresentations of the pro-slavery party, it will be a most lamentable circumstance,—as it would but revive the differences of which they complain, and which are now almost universally set at rest. The most profound tranquillity universally prevails. Our courts of justice seldom now behold a criminal; and the absence of ordinary offences from the calendar is often the subject of gratulation by the judge. The business of the estates and pens is almost in every instance being proceeded with; innumerable spots are being recovered by small settlers from the wastes; new villages are rapidly rising up in every direction; land is nearly double the value it was a few months ago; estates and small farms are seldom in the market, — and when they are, although greatly augmented in value, there is no want of purchasers.

That was the state of the colony on the 5th of May in the present year. Mr. Phillipps goes on to say, —

The advantages resulting from the new state of things in the towns are too palpable to admit of a single question. New houses are being erected, or old ones are undergoing repairs, in almost every street. The markets are abundantly supplied with provisions; the comforts and wants of civilised life are increasingly desired and possessed; merchants and traders have more employment than formerly; and intimations of the decrease of commerce, of the decline of agriculture, and of the ruin of the country, are nowhere to be seen. So far are we from being likely to realise the dismal scenes predicted by the enemies of freedom, that the very reverse may be confidently expected. Not only is this fact proclaimed by the avidity with which properties are purchased when exposed for sale; by the increased price of land; together with the host of other evidence; but, also, by the efforts that are being made for the improvement of agriculture; by the designs in contemplation, both for the manufacture and transport of produce, — in the more general introduction of machinery and in the construction of railroads; by the various public institutions which are beginning to rise into being; and by the conversions that are daily taking place, to the advantage of the new state of things, among proprietors and attorneys, themselves. The strongest evidence is offered, by everything we see and hear around us, that we enjoy the dawn of a brighter day in every respect than Jamaica has ever yet beheld.

Now, if all this be true, where, I would ask, is the necessity for interference with local legislation? There is another letter, dated the 2d of May, from Mr. Clerk, who, I know, is a person on whose authority the House may depend. That gentleman says, —

The people are going on admirably. On almost every sugar estate in this part of the parish there is as much sugar-making, I believe,

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as during the apprenticeship. I can mention Orange Valley (nearly all the people on which are connected with my church), Cape Valley, Borough Bridge, and Greenock, where the people are employed by the job, or at 1*s.* 8*d.* per day, with houses and grounds: they are working well. At Dumbarton, Antrim, Culloden, Ballantry, although the people were not paid more than at other places, they are charged from 3*s.* 4*d.* to 6*s.* 8*d.* per week rent; yet there is no real cause of complaint. They are also working well, although for less than their neighbours; but this I do not expect to continue. These estates must either pay the market price for labour, or lose their people, if land can be bought in the neighbourhood. There is one interesting fact which I cannot forbear mentioning; — that from the time of Rawlinson's (the late special justice) removal, to the end of the apprenticeship, but two persons connected as members or inquirers with my station were punished, — and those improperly or unjustly. From the 1st of August to this date, not one has been imprisoned for any crime, although nearly 30,000 in number; indeed, in the whole district with which, as a minister, I have to do, in which there is a negro population of 9000 or 10,000, full half of which attend my ministry, but one black person has been committed to prison, — and that for an assault, which, I think, was compromised. We have no police, and we need none. Were it not for the disputes respecting wages and rents, the stipendiary magistrates would have a sinecure situation. I was very sanguine respecting the working of freedom. My expectations are more than realised. Give God the glory!

Now, when such is the state of the colony, where, I would ask, is to be found the necessity for this interference by the Imperial Parliament? Let the Noble Lord look at the Report of Captain Pringle, and he will find that the grossest delusion prevails with respect to this Bill. What is the opinion of Lord Brougham upon this measure — of him who has done so much for the emancipation of the negroes? This Bill is said to be for the protection of the negroes; but Lord Brougham has said that there never was a grosser delusion than that which prevails with respect to this Bill. There is no necessity for such a measure, and this interference with the Legislature of the colony can only be productive of injury. Captain Pringle has demonstrated that in the course of a few years the negroes will be the electors, and that they will have the power of returning the members of the House of Assembly. But this Bill will prevent the negroes from obtaining that which, alone, can distinguish them from slaves. Emancipation has given them all the privileges which were formerly enjoyed by the whites; and when the act of emancipation is complete, the number of persons exercising the elective franchise will be doubled. It is, therefore, because the first clause of this Bill interferes, without even a show of necessity, with the legislative rights of the people of the colony, that I shall give it every opposition in my power.

LORD J. RUSSELL. — Sir, the Honourable Gentleman who has just sat down divided his argument into two parts; one was that in which he argued against the Bill that was formerly before the House, and the other part was directed against the third reading of the Bill which was carried about twenty minutes ago. To the question now before the House, the Honourable Gentleman has not addressed one single argument; for the question before the House is, the adoption or rejection of this clause. I can understand, very well, the line of argument taken by those who object to our legislating for the House of Assembly of Jamaica, and who are for allowing the Legislature of Jamaica to take their own course. But when that question was put, there was but one Gentleman who said "No;" and even that Honourable Member, though the House was so full, repented of his opposition, and allowed the Bill to be read a third time. Therefore, there is no question in the House as to an interference with the Legislature of Jamaica. The Right Honourable Gentleman (Mr. Goulburn) alluded to the probability of many Members of this House not having read the Orders of Council; to which it may be replied, that there are many Members who did not hear the arguments of the learned counsel at the bar, who lately appeared there as the agent of the House of Assembly of Jamaica. It may be a matter of surprise to some, that the speech of that learned counsel should have made so little impression. Though it was a very able speech, and went much into the case, it was entirely founded, not on this clause of the Bill, but upon the second clause. The learned counsel, as representative of the House of Assembly of Jamaica, did not argue that the Orders in Council were oppressive and inapplicable; he did not attempt to show that their provisions were not adapted to the state of Jamaica; he did not, in the least, impugn the statement made, — that they had been six months in operation in other colonies, and that no practical fault had, there, been found with them; — but he confined his whole argument to the second clause; and, taking part with the constitutional rights of Jamaica, I think the learned counsel argued very properly with respect to the second clause, and not the first, — because it was the second, and not the first, which enabled the Governor and council to continue certain taxes that would otherwise expire; and he

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argued, that according to the Act of 1778, and according to constitutional notions, the power given to the Governor of enforcing taxes, and thus far interfering with the constitution of Jamaica, was an experiment on that constitution which ought not to be tried, and a power which this House ought not to grant. I will not repeat, nor even attempt to give a sketch of, his argument; but it went very fairly against the House giving such power to the Governor and council. The House was not convinced by it; and I own I was a little surprised when the Right Honourable and Learned Member for Ripon — who, I thought, had listened with great attention to the speech of the learned counsel — got up, at the end of that speech, and said, that when the House, in the following week, should come to the consideration of the subject, he would move the rejection of the first clause from the Bill. So little was he convinced by the arguments of the learned representative of Jamaica, that he allowed to go by, entirely, the clause to which he objected, and directed his opposition against the clause which the learned counsel would have allowed to remain. That is the clause to which objection is now made; but, if we were to leave that clause out of the Bill, we should prevent certain laws from being made for the protection of the negroes, for the prevention of vagrancy, and for guarding against the unlawful occupation of lands, — while, at the same time, we should not maintain the rights of the House of Assembly. The Honourable Member for Kilkenny — who, no doubt, will allow of the passing of this law — will, in effect, consent to an interference with the constitutional rights of the House of Assembly, against which this clause, which it is proposed to omit, will have no effect whatever. I can only say that these Orders have been in operation a considerable time, and there has been scarcely any objection at all urged against them hitherto. If any objections are to be made, I think they would be more rationally made against the second clause of the Bill; at all events, the constitutional question entirely depends on that clause.

[Cries of "Divide, divide!"]

SIR R. PEEL.—Sir, I would willingly give way to the impatience of the House, if I thought that, by so yielding, I should at all assist the House in doing that which would be creditable to itself; but, as this is a question which affects one of our most important colonies, I feel bound to obtrude on the patience of the House,—not for any gratification of my own feelings, but because I am persuaded that the House of Commons would place itself, if they were to adopt this Bill, in a discreditable position. The Noble Lord has found it convenient to compliment the speech of the learned counsel who appeared at the bar on behalf of the House of Assembly; and I have always observed the Noble Lord most ready to compliment that speech which did him the least damage. The Noble Lord said, that the speech of the learned counsel was a most constitutional speech, because it was directed against the second clause of the Bill, and not against the first. And what did the speech of the agent of Jamaica prove? It proved that *we* are not partisans of the Island of Jamaica. It proved that *we* are not acting in concert with the agent of the House of Assembly. *We* take that course which is the just course. *We* will provide against those emergencies which the Right Honourable Gentleman told us might occur if the House of Assembly should refuse to exercise their functions, and against the anarchy which he depicted. *We* yield to his opinion, and say, "We are willing to provide against those contingencies, and to supply the defects of the Colonial Legislature." But you go further, and provide for the permanent legislation of Jamaica — while, at the same time, you declare your intention and wish that the House of Assembly should resume its functions. How do you hope that the House of Assembly will resume its functions, and be a useful instrument of legislation, if you pass this Bill? You say to the House of Assembly,—"Unless you pass three separate and most important laws, relating to the domestic legislation of the colony, you, yourselves, shall be suspended, and the Governor and council shall execute your functions." You give them six weeks to pass these laws; and I ask you, do you feel this to be decorous? Have you, here, made such progress in legislation, that you should assign this term or limit? You, the House of Commons, when you look at your own course with respect to church rates, with respect to Irish tithes, with respect to joint stock banks, and with respect to legislation for Canada, and remember that you have postponed every practical measure till 1842, — do you think it decorous to tell the Colonial Legislature of Jamaica, that unless, in six weeks, they pass three most important measures, you give them notice that you will suspend their constitutional functions? What I deprecate is this, — that you are going to give that House of Assembly a great advantage over you: it is in the wrong now; and you are going to reverse your relative positions, and place

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yourselves in that situation. I never felt more strongly on any question. If the House of Assembly neglect its duty to this country, — if it neglect the welfare of the inhabitants and of the negro population, — if I am convinced of the fact of intentional and continued neglect, — I mean to give the Government every support in arrogating to the British Imperial Parliament the power and right to legislate for the welfare of the people of Jamaica. But I feel that we are embarrassing the question by the course which we are now adopting. We are not reserving to Parliament the power of deciding when the emergency shall arise; but we are referring to the Governor and council the right to determine what should be done. A threat is held over them, that, if they do not perform certain things by a given day in October, that power is to be exercised by a new Governor, whom we are going to send out: a man without experience in the affairs of Jamaica is to have the power of deciding the fate of the Assembly. By making it possible to hold over them a coercive threat, we make it impossible for them to execute their functions, effectively. If we wish the Legislature of Jamaica to be continued, surely we also desire that it should be useful. Suppose it yielded to our menace; what authority would it have in the island? Would it not be said, both by whites and blacks, "True, you have saved yourselves from sudden extinction; but why? Was it for the welfare of the negro population? or for the good of the people at large? No; but you did thus under a coercive menace, and you have saved the rights of the people by yielding to fear." After that, how can we hope that the House of Assembly could be useful to their constituents? We are, in fact, placing the island in a worse condition than it was in before. The Legislature will be preserved, it is true; but it will be discredited, in consequence of yielding to a menace. What are the proposed conditions? They are not clearly intelligible to all; they are conditions *sub modo;* there are certain laws which the House of Assembly is to pass within six weeks or two months; but it is not to pass them absolutely; — a discretion is to be reserved to the House of Assembly to determine this important fact, — whether or not the circumstances of the Island of Jamaica render the application of the Orders in Council expedient. What a wide distinction is here! Suppose they entertain a doubt — a *bonâ fide* doubt, — and suppose the Governor and council differ from them upon a matter of detail, in respect to which the House of Assembly entertain such *bonâ fide* doubt, — for let it be observed, they are at liberty to consider whether the Orders in Council are suitable to the local circumstances of the island, or not. Suppose a difference of opinion were to arise; it would then be a grave question for the Imperial Parliament to determine whether or not the decision of the House of Assembly was justified by the circumstances. But, by this Bill, it will be left to the Governor and council to determine this grave point; they will have the power, not only to pass the ordinance, but they will place the Government in this embarrassing position, — the House of Assembly, having a *bonâ fide* doubt as to the practicable and expedient application of any of the Orders in Council to the local circumstances of the island, the Governor and council may decide that the Assembly shall be extinguished. Will you support the Governor and council in that decision? Now, I would ask, is it fit that great doubts which may arise, should be resolved by the Imperial Parliament in February next, or by the local authority appointed by the Crown on the 15th of October? No, not on the 15th of October, — for they are to have fourteen days more to pass these laws. That is the option given them, with an express injunction to consider the adaptation of these laws to the local circumstances of the island. If they are found to be refractory, — if they refuse to meet, — if they decline to resume their functions at all, — and if clear evidence shall be furnished that they will not perform their duties, — that will be an occasion grave enough for calling the Imperial Parliament together to determine what course should be pursued. By the course now pursued, we are not legislating wisely for Jamaica. This piece of paper, which I hold in my hand, is a plaster for the wounded honour of the Government; and it covers the wound very ineffectually. You have our assurance — we have convinced you — that we are not acting in concert with the agent of Jamaica, — that we are not acting in the spirit of partisanship ——

[Cries of "Hear, hear!" from the Ministerial benches.]

— certainly not in a spirit of Jamaica partisanship; that must be apparent to the Noble Lord himself. We have assured you of our readiness to consider this grave question, — whether, if circumstances of difficulty arise, it will be fitting, or not, to determine to suspend the functions of the House of Assembly of Jamaica? But, from the most positive conviction of

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the truth and force of what I am saying, I entreat you not to give this advantage to the local Legislature. I entreat that you will not, after the instances and examples you have, yourselves, afforded of the difficulty of deciding great questions in six years, impose on another Legislature, which have not yet had their attention drawn to these things, the necessity of passing, in six weeks, important measures, by holding out to them this condition, — that, unless they obey, their functions shall cease.

[Renewed cries of "Divide, divide!"]

Mr. LABOUCHERE. — Sir, the question before us is one of such paramount importance, that I cannot, notwithstanding the impatience of the House, consistently suffer it to be put from the chair without saying a few words upon it. I believe that, after all, this is a very simple question. We are agreed that it is desirable the House of Assembly should again be called together, and have an ample opportunity of retracing the steps they have taken, and of proceeding to discharge their duty towards the colony of Jamaica. But, then, we are also agreed that the House of Commons should maintain the ground it has always asserted; especially, as, in the last Assembly of Parliament, it was resolved that measures should be taken, in case the House of Assembly should persist in the course it had commenced, to provide that the interests of the colony of Jamaica should suffer as little as possible from their conduct. The House has, therefore, almost unanimously agreed on that which is the most unconstitutional part of the Bill, and which provides for those annual laws in Jamaica, among which are the Bills called "Money Bills." Sir, I agree with my Noble Friend, and with the agent of Jamaica, who addressed the House from the bar, that that was by far the strongest part of the Bill before the House. I must say, in reference to the slighting manner in which the Right Honourable Gentleman opposite spoke of Mr. Burge, who represented the interests of the House of Assembly, that I am much more inclined to bow to the opinion of their representative than I am to the opinion of the Right Honourable Gentleman. The question is, whether we can, consistently with our duty, allow no legislation whatever to take place in the Island of Jamaica for a year? The Honourable Member for Kilkenny has declared that the island is in a state of tranquillity; and I am happy to be able to add to his testimony, this; that, from all the accounts received by the Government, that tranquillity, it appears, still continues. I am glad to have this opportunity of stating my conscientious belief that the peaceable and orderly state of the island, which is almost unexampled, is a phenomenon to be attributed to the services of a body of men, who have, unfortunately, been very much calumniated, — the ministers of religion in Jamaica, who have obtained a great influence over the minds of the people there, and who exercise it in a very proper and salutary manner. But are we to rely upon this extraordinary kind of means for maintaining the peace of the island? Is it not necessary that measures should be taken to secure the three objects proposed in the Bill before the House? We have a distinct admission of the House of Assembly, that the laws for the regulation of contracts for hired service in agriculture or manufactures, the prevention of vagrancy, and the prevention of the illegal occupation of lands, are urgent and necessary. By the Bill before the House, the Assembly will be enabled to pass those laws themselves, if they choose to embrace the opportunity. There is nothing unusual in the course which has been pursued by the House. We have reason to believe that the Orders in Council, sent out, contained the principles of good laws; and I must say that I should regret the rejection of this clause. Looking at the conduct of Parliament last Session, — and remembering the resolution which was come to, to continue their vigilant watch over the Assembly, — I should consider that the House has abandoned their position, if we do not pass this Bill.

Question put, "That the words proposed to be left out stand part of the Bill."

The House divided: — Ayes 267; Noes 257; — Majority 10.

AYES.

Abercromby, Hon. G. R.	Barron, H. W.
Adam, Admiral	Barry, G. S.
Aglionby, H. A.	Beamish, F. B.
Aglionby, Major	Bellew, R. M.
Ainsworth, P.	Benett, J.
Alcock, T.	Berkeley, Hon. H.
Alston, R.	Berkeley, Hon. G.
Andover, Lord Visct.	Berkeley, Hon. C.
Anson, Hon. Colonel	Bernal, R.
Anson, Sir G.	Bewes, T.
Archbold, R.	Blackett, C.
Attwood, T. (Birm.)	Blake, M. J.
Baines, E.	Blake, W. J.
Bannerman, A.	Blewitt, R. J.
Baring, F. T.	Blunt, Sir C.
Barnard, E. G.	Bodkin, J. J.
	Bowes, J.

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Bridgeman, H.
Briscoe, J. I.
Brodie, W. B.
Brotherton, J.
Bryan, G.
Buller, C.
Buller, E.
Bulwer, Sir L.
Butler, Hon. Colonel
Byng, G.
Byng, Rt. Hon. G. S.
Callaghan, D.
Campbell, Sir J.
Cave, R. O.
Cavendish, Hon. C.
Cavendish, Hon. G. H.
Cayley, E. S.
Chalmers, P.
Chapman, Sir M. L. C.
Chester, H.
Chetwynd, Major
Childers, J. W.
Clay, W.
Clayton, Sir W. R.
Clements, Lord Visct.
Codrington, Admiral
Collier, J.
Collins, W.
Conyngham, Lord A.
Cowper, Hon. W. F.
Craig, W. G.
Crawford, W.
Crompton, Sir S.
Currie, R.
Curry, Mr. Serjeant
Dalmeny, Lord
Davies, Colonel
Dennistoun, J.
D'Eyncourt, Rt. Hon. C. T.
Divett, E.
Donkin, Sir R. S.
Duff, J.
Duncombe, T.
Dundas, C. W. D.
Dundas, F.
Dundas, Hon. J. C.
Elliot, Hon. J. E.
Ellice, Captain A.
Ellice, Rt. Hon. E.
Ellice, E.
Ellis, W.
Erle, W.
Euston, Earl of
Evans, Sir De Lacy
Evans, G.
Evans, W.
Ewart, W.
Fazakerley, J. N.
Ferguson, Sir R. A.
Ferguson, Sir R.
Ferguson, R.
Finch, F.
Fitzpatrick, J. W.
Fitzroy, Lord C.
Fleetwood, Sir P. H.
French, F.
Gibson, T. M.
Gillon, W. D.
Gordon, R.
Grattan, J.
Grattan, H.
Greenaway, C.
Grey, Rt. Hon. Sir G.
Grosvenor, Lord R.
Guest, Sir J.
Hall, Sir B.
Hallyburton, Lord D. G.
Handley, H.
Harland, W. C.
Harvey, D. W.
Hastie, A.
Hawkins, J. H.
Heathcoat, J.
Heathcote, G. J.
Hector, C. J.
Heneage, E.
Heron, Sir R.
Hindley, C.
Hobhouse, Right Hon. Sir J.
Hobhouse, T. B.
Hodges, T. L.
Hollond, R.
Horsman, E.
Hoskins, K.
Howard, F. J.
Howard, P. H.
Howick, Lord Viscount
Humphery, J.
Hutton, R.
Ingham, R.
James, W.
Jervis, John
Kinnaird, Hon. A. F.
Labouchere, Rt. Hon. H.
Lambton, H.
Langdale, Hon. C.
Lemon, Sir C.
Leveson, Lord
Loch, J.
Lushington, Rt. Hon. S.
Macaulay, T. B.
Macleod, R.
Macnamara, Major
M'Taggart, J.
Marshall, W.
Maule, Hon. F.
Melgund, Lord Visct.
Milton, Lord Visct.
Moreton, Hon. A. H.
Morpeth, Lord Visct.
Morris, D.
Murray, A.
Muskett, G. A.
Nagle, Sir R.
Norreys, Sir D. J.
O'Brien, W. S.
O'Callaghan, Hon. C.
O'Connell, D.
O'Connell, John
O'Connell, M. J.
O'Connell, Morgan
O'Connell, Maurice
O'Conor Don
O'Ferrall, R. M.
Ord, W.
Paget, F.
Palmer, C. F.
Palmerston, Lord Visct.
Parker, J. (Shef.)
Parnell, Right Hon. Sir H.
Parrott, J.
Pattison, J.
Pechell, Captain
Pendarves, E. W. W.
Philipps, Sir R.
Philips, M.
Philips, G. R.
Phillpotts, J.
Pigot, D. R.
Pinney, W.
Ponsonby, Hon. J.
Power, James
Price, Sir R.
Pryme, G.
Pryse, Pryse
Ramsbottom, J.
Redington, T. N.
Rice, E. R.
Rice, Rt. Hon. T. S.
Rich, H.
Roche, W.
Roche, Sir D.
Rumbold, C. E.
Russell, Lord J.
Russell, Lord
Russell, Lord C.
Rutherfurd, Rt. Hn. A.
Salwey, Colonel
Sanford, E. A.
Scholefield, J.
Scrope, G. P.
Seale, Sir J. H.
Seymour, Lord
Sharpe, General
Sheil, R. L.
Shelborne, Earl of
Smith, J. A.
Smith, B.
Smith, G. R.
Smith, R. V.
Somers, J. P.
Somerville, Sir W. M.
Speirs, A.
Spencer, Hon. F.
Standish, C.
Stanley, Hon. M.
Stanley, W. O.
Stansfield, W. R. C.
Staunton, Sir G. T.
Stuart, Lord J.
Stuart, W. V.
Stock, Dr.
Strickland, Sir G.
Strutt, E.
Style, Sir C.
Surrey, Earl of
Talbot, C. R. M.
Talfourd, Mr. Serjeant
Tancred, H. W.
Thomson, Rt. Hn. C. P.
Thornely, T.
Tollemache, F. J.
Townley, R. G.
Troubridge, Sir E. T.
Turner, W.
Verney, Sir H.
Vigors, N. A.
Villiers, Hon. C. P.
Vivian, Major C.
Vivian, J. H.
Vivian, Rt. Hon. Sir R. H.
Walker, R.
Wall, C. B.
Wallace, R.
Warburton, H.
Ward, H. G.
Westenra, Hon. H. R.
White, A.
White, H.
White, S.
Wilbraham, G.
Williams, W. (Cov.)
Williams, W. A.
Wilmot, Sir J. E.
Wilshere, W.
Winnington, T. E.
Winnington, H. J.
Wood, C.
Wood, Sir M.
Wood, G. W.
Worsley, Lord
Wrightson, W. B.
Wyse, T.
Yates, J. A.

Tellers.

Stanley, E. J.
Steuart, R.

NOES.

Acland, Sir T. D.
Acland, T. D.
A'Court, Captain
Adare, Lord Viscount
Alford, Lord Viscount
Alsager, Captain
Arbuthnott, Hon. H.
Archdall, M.
Ashley, Lord
Ashley, Hon. H.
Attwood, M.
Bagge, W.
Bailey, J.
Bailey, J. jun.
Baillie, Colonel
Baker, E.
Baring, Hon. F.
Baring, Hon. W. B.
Barneby, J.
Barrington, Lord Vt.
Bateson, Sir R.
Bell, M.
Bentinck, Lord G.
Bethell, R.
Blackstone, W. S.
Blair, J.
Blakemore, R.
Blandford, Marquess of
Blennerhassett, A.
Boldero, H. G.
Bolling, W.
Bradshaw, J.
Bramston, T. W.
Broadley, H.
Brownrigg, S.
Bruce, Lord E.
Bruges, W. H. L.
Buck, L. W.
Buller, Sir J. Y.
Burdett, Sir F.
Burrell, Sir C.
Burroughes, H. N.
Calcraft, J. H.
Canning, Rt. Hon. Sir S.
Cantalupe, Lord Visct.
Cartwright, W. R.
Chapman, A.
Christopher, R. A.
Chute, W. L. W.
Clerk, Sir G.
Clive, Hon. R. H.
Codrington, C. W.
Cole, Hon. A. H.

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Cole, Lord Viscount
Colquhoun, J. C.
Compton, H. C.
Conolly, E.
Cooper, E. J.
Coote, Sir C. H.
Corry, Hon. H.
Courtenay, P.
Cresswell, C.
Dalrymple, Sir A.
Damer, Hon. D.
Darby, G.
Darlington, Earl of
De Horsey, S. H.
Dick, Q.
D'Israeli, B.
Douglas, Sir C. E.
Dowdeswell, W.
Duffield, T.
Dugdale, W. S.
Dunbar, G.
Duncombe, Hon. W.
Duncombe, Hon. A.
Dungannon, Lord Vt.
Du Pre, G.
East, J. B.
Eaton, R. J.
Egerton, W. T.
Egerton, Sir P.
Egerton, Lord F.
Ellis, J.
Estcourt, T. (Oxf. U.)
Farnham, E. B.
Farrand, R.
Feilden, W.
Fector, J. M.
Fellowes, E.
Filmer, Sir E.
Fitzroy, Hon. H.
Fleming, J.
Foley, E. T.
Forester, Hon. G.
Fox, G. L.
Freshfield, J. W.
Gladstone, W. E.
Goddard, A.
Godson, R.
Gordon, Hon. Captain
Gore, O. J. R.
Gore, O. W.
Goulburn, Rt. Hon. H.
Graham, Rt. Hn. Sir J.
Grant, F. W.
Grimsditch, T.
Grimston, Lord Visct.
Grimston, Hon. E. H.
Hale, R. B.
Halford, H.
Harcourt, G. G.
Harcourt, G. S.
Hardinge, Right Hon. Sir H.
Hawkes, T.
Hayes, Sir E.
Heathcote, Sir W.
Heneage, G. W.
Henniker, Lord
Hepburn, Sir T. B.
Herbert, Hon. S.
Herries, Rt. Hon. J. C.
Hill, Sir R.
Hillsborough, Earl of
Hinde, J. H.
Hodgson, F.
Hodgson, R.
Hogg, J. W.
Holmes, Hn. W. A'C.
Holmes, W.
Hope, Hon. C.
Hope, H. T.
Hope, G. W.
Hotham, Lord
Houldsworth, T.
Houstoun, G.
Hughes, W. B.
Hume, J.
Hurt, F.
Ingestre, Lord Visct.
Inglis, Sir R. H.
Irton, S.
Jackson, Mr. Serjeant
James, Sir W. C.
Jenkins, Sir R.
Jermyn, Earl
Johnstone, Hope
Jones, Captain
Kelly, F.
Kilburne, Lord Visct.
Knatchbull, Rt. Hon. Sir E.
Knightley, Sir C.
Knox, Hon. T.
Law, Hon. C. E.
Lefroy, Rt. Hon. T.
Lincoln, Earl of
Litton, E.
Lockhart, A. M.
Long, W.
Lowther, Hon. Colonel
Lowther, Lord Visct.
Lowther, J. H.
Lygon, Hon. General
Mackenzie, T.
Mackenzie, W. F.
Mackinnon, W. A.
Maclean, D.
Mahon, Lord Viscount
Maidstone, Lord Visct.
Manners, Lord C. S.
Marsland, T.
Marton, G.
Master, T. W. C.
Mathew, G. B.
Maunsell, T. P.
Miles, W.
Miles, P. W. S.
Miller, W. H.
Monypenny, T. G.
Mordaunt, Sir J.
Morgan, C. M. R.
Neeld, Joseph
Neeld, John
Nicholl, J.
Norreys, Lord
Owen, Sir J.
Packe, C. W.
Pakington, J. S.
Palmer, R.
Parker, M.
Parker, R. T.
Parker, T. A. W.
Patten, J. W.
Peel, Rt. Hon. Sir R.
Peel, Jonathan
Pemberton, T.
Perceval, Hon. G. J.
Pigot, R.
Planta, Rt. Hon. J.
Plumptre, J. P.
Polhill, F.
Pollen, Sir J. W.
Powerscourt, Lord Vt.
Praed, W. T.
Pringle, A.
Pusey, P.
Rae, Rt. Hon. Sir W.
Richards, R.
Rickford, W.
Rolleston, L.
Round, C. G.
Round, J.
Rushbrooke, Colonel
Rushout, G.
Sandon, Lord Viscount
Scarlett, Hon. J. Y.
Shaw, Right Hon. F.
Sheppard, T.
Shirley, E. J.
Sibthorp, Colonel
Sinclair, Sir G.
Smith, A.
Smyth, Sir G. H.
Somerset, Lord G.
Spry, Sir S. T.
Stanley, E.
Stanley, Lord
Stewart, John
Stormont, Lord Visct.
Sturt, H. C.
Sugden, Rt. Hn. Sir E.
Teignmouth, Lord
Tennent, J. E.
Thomas, Colonel H.
Thompson, Alderman
Thornhill, G.
Trench, Sir F.
Tyrell, Sir J. T.
Vere, Sir C. B.
Verner, Colonel
Vernon, G. H.
Villiers, Lord Viscount
Vivian, J. E.
Waddington, H. S.
Walsh, Sir J.
Welby, G. E.
Whitmore, T.
Williams, R.
Williams, T. P.
Wodehouse, E.
Wood, T.
Wyndham, W.
Wynn, Rt. Hon. C. W.
Wynn, Sir W. W.
Yorke, Hon. E. T.
Young, J.
Young, Sir W.

Tellers.

Fremantle, Sir T.
Baring, —

On the motion of Mr. LABOUCHERE, verbal amendments made; Bill passed.

SUPPLY — NATIONAL EDUCATION.

The Order of the Day for resuming the debate was then read.

Question again put.

Mr. WYSE. — In resuming the debate, which has, now, occupied so much time, I beg, first, to thank the two Noble Lords opposite, who have taken so large a share in the debate; for it would be difficult to select from the speeches made avowedly in support of the measure, two more calculated to advance it, than the speeches of those two Noble Lords in opposition to it. I am willing to give every credit to the Noble Lord who preceded the last speaker, for the exertions he has made on behalf of the factory children, — exertions which have secured for him the approbation of every right-thinking man. I am also willing to give the Noble Lord credit for the utmost benevolence; but I must be allowed to say that the honesty of opinion to which he lays claim seems to me to be of the kind which arises from a careful exclusion of all the arguments on the other side, — to spring from conclusions obtained by a careful avoidance of all examination of the question under discussion. Through the whole of his hydra and chimæra speech, the Noble Lord seems to have raised up for himself

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a phantasmagoria of evils which have not the slightest foundation in reality. If the Noble Lord had examined the subject, he would have seen that the horrors and desolation consequent on the spread of education, which he seems so much to fear, have heretofore arisen from a want of general enlightenment. Education has, in fact, always been the only agent by which such horrors and desolation could be neutralised and prevented. If the Noble Lord were only to extend his view beyond his narrow border in this country, and were to inquire into the condition of the rest of the civilised world, he would find that religion, and not sectarianism, has been the source of all happiness to man. The Noble Lord apprehends much evil from the monsters which his fancy has conjured up; but he should recollect that there are other moral monsters much more dreadful in their influence on society. There is the monster of brute force, unaccompanied by intelligence; — there is the Polyphemus of physical strength, uncontrolled by moral feeling, —

Monstrum horrendum, informe, ingens.

To what are we to attribute all the domestic evils with which we are menaced, if not to the want of a sound education diffused among the masses? But if the Noble Lord of 1839 entertain the opinions he stated in the course of this debate, the Right Honourable Gentleman the Secretary for Ireland of 1831 is more than a match for him. If the Noble Lord now denounce this measure as unconstitutional,—as one that would be scouted by all society of a religious nature in the country, — what must be thought of the parallel measure introduced for Ireland by the Secretary in 1831? The objections to the present measure were surely quite as applicable to that. Now, the measure is described as pernicious on two grounds: first, the mode in which the board of management is constituted; and, secondly, the evil effect which is apprehended from it on the education of the children. In many of those objections which apply to the constitution of the board, I concur, particularly as regards the fluctuations in political and religious opinions, to which it must be liable from its connection with the Government. But if, as the Noble Lord argues, it be wrong for the Lords of the Privy Council to have, by this plan, the power of applying, in a manner distinctly laid down, the funds to be granted by this House, how much the more objectionable must be the power of the board in Ireland, according to the Noble Lord's own plan of 1831, which not only gave that species of control, but also an entire control over the religious books to be used in the schools. The Noble Lord now objects to the power given to the Lords of the Privy Council to erect schools, to confer gratuities on teachers, and to establish and contribute to the support of model schools. But the board in Ireland had full powers given to make such regulations as to matters of detail, which, while they were not inconsistent with the instructions given to them, they might think in accordance with the intentions of Government. The strongest ground of objection taken by the Noble Lord, however, respected the effect which this plan would have on the religious education of the people, arising out of the education of persons of different religious persuasions in the same schools. The Noble Lord expressed his belief that this was a system of education which would instil into the minds of the younger population a general belief that the Legislature attached equal authority to all versions of the Scripture, — that it was a matter of indifference what creed was taught to the people; and, by putting before the mind of the young, conflicting doctrines as of equal weight and authority, the foundations of all faith were to be gradually sunk, and thus the strongest ground of opposition to the scheme would be substantiated; for, through gradual doubt, it would lead to general scepticism, and from general scepticism the step was short to national infidelity. Now, Sir, if the mere circumstance of persons of different creeds receiving their religious education in separate parts of the same building in which they receive their literary education will produce all these lamentable results, what shall we say of the Irish measure, the object of which was declared to be, not only to include Christians of all denominations,—to unite in one general object children of different creeds, — but, to obtain the active co-operation of the clergy of all denominations? If it be wrong to encourage the Catholic faith in one instance, is it not equally wrong to do so in another? If, as the Noble Lord asserts, it is pernicious to bring the Protestants of this country in contact with the Roman Catholics, I should like to know why the same rule is not to apply equally to Ireland? If the adoption of a system of mixed education be right in Ireland, it is equally right and proper in England; and I cannot understand why it has been rejected or repudiated by the Noble Lord. Nay, if the Noble Lord's proposition — that it is per-

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nicious to bring Protestants in contact with Catholics — be applicable to England, where the latter are in so small a minority, it seems to me to be much more applicable to Ireland, where the Catholics are in such a vast majority. I believe that the difference between the conduct that has been pursued by the Noble Lord in the two cases respectively, can only be accounted for by regarding the Noble Lord as he is, and the Noble Lord as he was. I regret to find that the opinions he professed, then, are not his opinions, now. I regret to find that I cannot recognise in the Noble Lord, now, the establisher of Irish education. If the creed the Noble Lord upholds be the only true religion, — if it be an honest faith, — I know no difference between England and Ireland; — what is right here, is right there. I make not these remarks in an unfriendly spirit to the Noble Lord; but it is essential the public should justly know the opinions of public men, and be enabled to choose between what the Noble Lord was and what he now is: and they may be assured that that conservatism or finality which looks to the permanence of the constitution is absolutely absurd, when men cannot be true to their own opinions. The plan of education which the Noble Lord introduced into Ireland was one step, certainly, in advance, to attain the desired end. But what was the Noble Lord's proceeding, in introducing that plan? In 1831, I proposed a plan of education for Ireland; and, on my doing so, the Noble Lord opposed the proposition; but, during the vacation, he prepared a plan, and, with the consent of the Government, he appointed a board to superintend the system, and shortly afterwards he submitted his plan to Parliament.

The Noble Lord complains of the proposed plan not being sufficiently definite; but that which he then brought forward for Ireland was much looser, and more vague in its description, than the one recently set forth in the minute of the Privy Council. I do not blame the Noble Lord for having brought forward or carried his plan into effect: on the contrary, I think that, by doing so, he has conferred one of the greatest boons on that country that ever was conceded to it by a Government: and with respect to the vote, some consideration must be had for the peculiar circumstances of the case, and the difficulties with which her Majesty's Ministers have to contend. But, with respect to the vital question, itself, all considerations of party should be laid aside, — all baneful influence of passion and prejudice should be dismissed from the mind, — when so great and solemn a thesis comes under the deliberation of the first Assembly in the world. Sir, we must look at the position of the country, the evils of that position, the remedy for those evils, and the means by which that remedy is to be applied and rendered efficacious. And when I say we must look at the condition of the country, the first question is, what is the state of the people with relation to the subject now under consideration? What is our moral condition? Are we such perfect beings, that we are susceptible of no improvement? Have we found, by contact with other nations, that we are the objects of envy to the civilised world, and regarded as models and *criteria*? Sir, our position, moral and physical, is one of the greatest anxiety to the philanthropist, and of deliberation to the philosopher and statesman; and while it has been a common boast that this is the first country in the world in the point of civilisation, it is astonishing to perceive how little has been done in the way of diffusing general education, and a knowledge of the first principles of science. The defective state of education in England has been productive of the greatest evils; and it is felt not only in our moral and social relations, but also in our physical condition; and, instead of standing the highest in rank in point of civilisation, this country may be regarded as being almost the lowest, in comparison with other European nations, in the general diffusion of knowledge amongst the people. The evils of want of education in the elements of science, in matters of every-day life, and in the pursuits of industry, are hourly experienced. For instance, it is scarcely possible to enter upon any investigation in connection with agriculture, without finding it connected, more or less, with the doctrines and elucidations derived from chemistry; and yet, in the agricultural districts, we find little knowledge of the first principles of chemistry — of all those grand discoveries which have been the wonder and admiration of the world; and, for want of such knowledge, we find it stated in the most able agricultural reports, that by the injudicious use of lime many thousands of acres in various parts of the kingdom, which would have been fertile, have been reduced to a state of almost total unproductiveness and sterility. Again, with respect to manure, Mr. Malcolm complains that he has not, in any one instance, been able to find anything like system in the mechanical arrangement of the components of farm-yard mixings, which he generally found put together as they had been first deposited, according to circumstances, and without any regard to

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rule. A great ignorance of the principles of mechanics is also constantly manifested in harnessing horses, and in other simple processes of a similar character. With respect, also, to the ignorance that prevails with regard to planting, Mr. Falkner says, —

Thousands of acres of woods and plantations were utterly ruined from a want of knowledge of the process of vegetation; gross neglect was the rule, and tolerable attention was the exception.

What, as a body, do we know of the chemical properties of the various soils we cultivate, or even of the different manures most generally used and approved of by farmers to assist production? Positively nothing. We are compelled to admit that, as a science, agriculture is even now but in its infancy. Mr. Lowe, chairman of the Sevenoaks union, says,—

That the farmers, for the most part, keep indifferent accounts, and many of them none at all, — which is a state of things utterly incompatible with any systematic improvement. He has nothing to look to which will indicate with precision the calculations which he has made. Again, in geology, "that fashionable road which leads to damnation," immense errors are constantly being committed. Lavoisier, even without a minute knowledge of farming, by following an enlightened system, is said, in good years, to have doubled the produce in grain of his lands, and to have quintupled his flocks.

Farmers are generally found, at present, to be jealous of their labourers; but if education were more generally diffused amongst them, confidence would in a great measure be restored, and they would be most anxious to promote and encourage education amongst the labourers and their children. They would feel convinced that the stupid and brutalised hind was not to be depended on from one moment to another; that as soon as the eye of the master is off him he relaxes in his exertions, and that he only differs from the slave in this, — that the slave starts into activity upon the apprehension of the whip, while the labourer does so at the impending loss of his wages. The master would feel that he could not be everywhere, and that he constantly sustained losses in consequence, and that it was impracticable to introduce many improvements which he otherwise would adopt. If he were better informed, he would be convinced that the only means of remedying these evils and inconveniences, to which he is daily exposed, is by diffusing knowledge, and improving the condition of his labourers, both socially and mentally. Shall I be told that men, in the state they are in, in agricultural districts, are not to have knowledge communicated to them, and the means afforded of bringing out their powers to the best advantage?

Let us go further, and look through the towns. — There we find the grossest ignorance of the first principles of the preservation of health, such as ventilation and cleanliness; — we find the most unwholesome employments and habits persisted in; — and such is the intensity of the ignorance of the people, that when means have been proposed for ameliorating their condition, they have been not only opposed and rejected, but with feelings of animosity and ridicule against the philanthropist who has had courage and humanity enough to interfere. And then the deficiency of knowledge that prevails in the application of the elements of art to manufactures is strikingly obvious, when the productions in several branches of industry are contrasted with those of the schools of Lyons and Berlin. This is particularly obvious in the printing of cottons; and the late Sir Robert Peel attributed many of our great manufacturing losses to the inferiority of the taste of our workmen to that displayed by those of the Continent. The inferiority of our population is not less striking as regards the social condition of the lower classes. This is peculiarly obvious in the places of residence of the lower classes in the district of Manchester and its neighbourhood. I find from a Report laid before the British Association of Science, that the proportion of the population of Manchester who live in the cellars was 11¾ per cent.; of Salford, 8 per cent.; of Bury, 3¾ per cent.; of Ashton, 1¼ per cent.; of Staleybridge, 1½ per cent.; of Dukenfield, 1¼ per cent.; and of Liverpool, 15 per cent. Taking the whole of the working population of that large town, 20 per cent. lived in cellars, or, in round numbers, 31,000 persons so resided out of a population of 230,000. The Report I have referred to states —

That the great proportion of the inhabited cells were dark, damp, confined, ill ventilated, and dirty. The numbers residing in each cellar varied from four to seventeen. As in many (perhaps in the majority of cases) there are only two beds to a family of five or six persons of both sexes, the inconveniences and evils which must arise from this deficiency of accommodation are too obvious to require further remark.

This is a striking illustration of the condition of the working classes in the manufacturing districts; and there is much additional evidence to show a similar state of things in other places. For instance, in the Report of the Central Society of Education, it is stated, that out of 66 families in Norfolk, in 24 instances the whole of the children occupied the same

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bed-rooms as their parents, and in 86, boys were not separated from girls. It also appeared that in Dukenfield, Staleybridge, and Ashton there were 2057 families, in which more than 3 and less than 4 persons slept in one bed; 632 families, in which more than 4 and less than 5 persons were similarly situated; 180 families, in which more than 5 and less than 6; and 330 families, in which more than 6 persons slept in one bed. The children in most of these families were employed in the coal mines in the vicinity of these places. From the same Report I find that the number of beer-shops, public houses, &c., in Bury, was in the proportion of 1 to every 122 persons; in Ashton, 1 to every 113 persons; in Staleybridge, 1 to every 200; and in Dukenfield, 1 to every 254 persons. In the evidence taken before the commissioners appointed to inquire into the condition of the handloom weavers, the following striking facts were stated by one of the witnesses; —

I have seen human degradation in some of its worst phases, both in England and abroad; but I can advisedly say, that I did not believe, until I visited the wynds of Glasgow, that so large an amount of filth, crime, misery, and disease congregated in one spot in any civilised country.

Again, the want of education of the working classes is strikingly manifest in the strikes that take place, which generally arise from a gross ignorance of the laws which regulate the rate of wages and the interests of the labourers. It often happens that 50 men in a manufactory compel 1500 to stop work. The best paid workmen are often the movers and instigators to these strikes; but the inevitable effect is, to abate all motive to pre-eminent skill. They are often directed against the employment of machinery; but machinery generally leads to an increased demand for the manufactured article,—and thus an increased number of workmen are employed, and the amount of wages is increased. By strikes, however, the consumption of goods is diminished, and wages are ultimately reduced. On this subject, the following remarkable evidence as to the effects of one of these strikes was given before a committee of the House. It relates to a strike in the manufactories at Preston, which lasted from October, 1836, to February, 1837.

While the turn-out lasted, the operatives generally wandered about the streets without any definite object. Seventy-five persons were brought before the magistrates and convicted of drunkenness and disorderly conduct; twelve were imprisoned and held to bail for assaults; and about twenty young females became prostitutes, of whom more than one half are still so, and also two of them have since been transported for theft. Three persons are also believed to have died of starvation; not less than 5000 must have suffered from hunger and cold; and in almost every family the greater part of the wearing apparel and household furniture was pawned. In nine houses out of ten, considerable arrears of rent were due; and out of the sum of 1600*l.* deposited in the savings bank by about sixty spinners or overlookers, 900*l.* was withdrawn in the course of three months, and most of those who could get credit got into debt with the shopkeepers. The trade of the town suffered severely, — many of the small shopkeepers were nearly ruined, and some completely so.

Again, the evils of the want of education are manifest when the moral and religious condition of the people is regarded. On this point, I would refer to the evidence that was given as to the classes who were generally the inmates of prisons and houses of correction. It was stated at a late meeting of the British and Foreign School Society at Cheltenham, by Mr. St. Clair, a deputy-lieutenant of the county of Gloucester —

That two thirds of the youth in Gloucester gaol were the most ignorant of society. There were at present on the treadmill of that place, 120 men who had been convicted of small felonies; five out of six were under twenty years of age; nine out of every ten could not read a single word.

It appears, from Returns on the table, that, in 1837, not less than 20,000 persons were tried for offences in England and Wales, and that 15,000 were convicted, while the number of criminal commitments to gaol are 100,000 annually. The Report of the commissioners appointed to inquire into the state of the rural constabulary, gives many instances of the barbarous habits of the people of this country on the coasts where wrecks occur, — and more especially in Cheshire, Wales, Dorsetshire, Hampshire, and Kent, in which counties the deficiency of education is most obvious. It is also stated, in the evidence of Messieurs Burt and Elliot, that England, in respect of the state of the roads, follows next after Italy and Spain; but that, in respect of crime, cunning, here, generally supersedes the place of violence. The latter, however, often predominates in the country districts. It is also stated, in the same Report, that there are 6000 thieves at large in the metropolis, and within the metropolitan police districts there are 10,666 depredators. In page 79. of this Report it is stated that —

The majority of crimes which are attended by violence are now committed in the rural districts, although the population and property in towns have increased in a far greater proportion.

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Again, in page 50., it is said, —

Dupin graduates the increase of crime in a direct ratio, according to the condensations of populations in towns.

The following Return is also given, on the same authority, of the proportion of bad characters to the population: — In the metropolitan police district it is 1 to 89; in Liverpool, 1 to 45; in Kingston upon Hull, 1 to 64; in Bath, 1 to 37; in the county and city of Bristol, 1 to 31; and in Newcastle, 1 to 27. It is also stated that prostitution was as great in London as in Paris. The Report of the Committee on the Central Society of Education states, —

Your committee are fully persuaded that to the want of education is to be chiefly attributed the great increase of criminals, and, consequently, of cost to the country, — namely, in twelve years, from 1 to 10; and while the population increased only 32 per cent., the committals had increased fourfold.

Now, Sir, with relation to religious education in this country, it cannot, surely, be contended, that the amount of it afforded is anything like equal to the demand; and the manner in which the Bible is read in our schools is far from being calculated to promote any good. If we recur to the recent lamentable occurrences in the county of Kent, we shall find that Bible reading — instead of being necessary — instead of being a security to the country for the good conduct of the people — is, if unaccompanied by proper instruction and general education, productive of evil rather than good. Look at the state of those parishes in which the ignorant impostor Thom had obtained so many followers, — namely, Herne Hill, Dunkirk, and Boughton. The inhabitants of those villages were induced to believe that Thom was the Saviour and Redeemer, and to imagine that disobedience of his mandates would entail on them eternal damnation. It appeared that he gave them the sacrament, anointed himself and them with oil, and told them that no bullet could touch them. He showed them the marks of the nails; and assured them, if they doubted that, he should call them to judgment. He threatened, also, to rain fire and brimstone on them if they left him, and, at the same time, blessed the little children that were brought to him. This was in the midst of a beautiful country, in which there was no hostility to the poor laws, where the peasantry had good wages, and where the poor rates were comparatively low. Yes, Sir, the populace received these fanatical doctrines, and exhibited these deplorable proofs of superstition and barbarism, even under the very spires of Canterbury cathedral, — a district thronged with ecclesiastics; — and all these deluded and ignorant people were possessed of a Bible and Testament, but no other books, nor any means for obtaining a liberal education. The state of education in these districts, I believe, is as follows: — At Herne Hill there are 51 families, in which there are 45 above the age of 14; and of them 11 can read and write, and 21 can do so very imperfectly, and the remainder not at all. There are 117 children under that age: and of these, 42 are at school: most of them make little or no progress, and they are generally taken away, at an early period, by their parents. Many of the children who had been two years at school, were frequently found unable to read. The reading of the children in these schools is confined to the New Testament. Many of those who had been educated stated that they could read the Testament once, but that they could not do so now. It was found that the Sunday schools were insufficient, as the children could never be brought to connect what they learned in schools with their practice in life, and remained as idle, mischievous, and vicious as before. In Dunkirk, there are 118 children; 10 of them can read and write, 13 can do so a little, and the remainder cannot do so at all. In Boughton there are 119 children under the age of 14, and 32 attend school. Only 7 attend school where writing is taught; the remainder only go to a Sunday school. These facts prove that merely religious instruction of the kind obtained by these villagers is not, of itself, sufficient to fit men to discharge their duties to society. It is shown by the foregoing statements, that the majority had been at Sunday schools, and were in the habit of attending church, and most of them who could read possessed only religious books; so that not only the instruction they received, but the only kind they had the opportunity of gaining, was wholly of a religious cast.

Now, Sir, the effects of this system — its utter and total inefficiency, or rather its evils — are sufficiently exemplified by the lamentable incident to which I have referred. But it is not to these districts in Kent that the evil is confined. There is a similar general defect of education throughout the country. For instance, in Manchester, in 1834 and 1835, there were 232 schools, and 56,189 scholars, — being 22 per cent. of the population; and of these were 29,529 who only received Sunday tuition. In Liverpool, in the same years,

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there were 766 schools, in which there were 33,183 scholars, — being 14 $\frac{43}{100}$ per cent. of the population; and of these, 3,719 received only Sunday tuition. In Salford, there were 211 schools, and 12,838 scholars, — being 23 $\frac{4}{100}$ per cent. of the population; and of these, 6344 received only Sunday school tuition. In York, there were 150 schools, and 5591 scholars, — making 19 $\frac{17}{100}$ per cent. of the population; and of these, 842 received Sunday school instruction only. In Bury, there were 79 schools, and 5727 scholars, — making 28 $\frac{43}{100}$ per cent. of the population; and of these, 3102 attended Sunday schools only. In Newcastle, 49 out of every 100 of the youthful population between the ages of five and fifteen did not receive any instruction whatever. At Gateshead, 12$\frac{1}{2}$ of the juvenile population attended schools. Thus, in seventeen of the chief towns in this country, the average of those who receive daily instruction is only 1 in 12; while in Manchester the proportion is only 1 in 35, — while, according to the conclusion I have arrived at, it ought to be 1 in 8. The result is, that there are 3,000,000 children in England to be supplied with instruction, half of whom are left in a state of complete ignorance. The population of children under fifteen is about 4,000,000: deducting those under two years — about 500,000 — there were 3,500,000 to attend school; and from this number 500,000 should be deducted as receiving private instruction. Taking the returns in other countries, it appears that in the United States, in eleven states, the education is 1 out of 5; in seven other states, 1 out of 6; in three others, 1 out of 7; in two, 1 out of 8; and in two others, 1 out of 10; while in England and Scotland the proportion is as 1 in 11; in Lombardy it is 1 in 12; in France, 1 in 13. The evils that result from this defect of general education for the people are obvious in the extent to which numerous depredations, petty thefts, and misdemeanours are carried; and these are, often, to such an extent as to put a stop to cultivation and trading in many places. In 1836, 700,000*l.* were lost in Liverpool by depredations. The causes of this state of things do not arise from want. One of the chief causes is the want of steadiness in early occupations; for the want of this is one of the most powerful temptations to a career of crime, instead of a career of industry. The effects of prisons on early delinquents is most striking. Mr. Chesterton, the governor of Coldbath Fields Prison, stated, that nearly in almost all cases of juvenile offences, there was an ignorance of religion which amounted to almost perfect heathenism. The effect of this ignorance on society is, that there are large masses of the population either actually in the commission of crime, or preparing for it. There is also an envy, and a desire of enjoyment, both of which lead to enormous abuses in the various relations of society; and the inattention of the upper classes leads to the dissociation of the lower classes from them, and they are often induced to adopt Chartism and infidelity. In some other countries, the state of things is very different, for robberies are scarcely ever heard of; and Prussia has been marked as a country, in this respect, very favourable for a traveller to pass through. In a recent volume of travels in Germany, published by Mr. Chambers, entitled, "The Tour of an English Traveller in 1837," it is stated, —

> I have not seen three individuals drunk in Germany in three months.

Again, it is stated in the same work, —

> The Catholic churches in both the towns and villages are crowded by worshippers by five o'clock in the morning, not only on Sundays, but on week days, and the priests are in attendance to perform their duties at that hour.

In Switzerland, also, there is an abstinence from wine. In that country, there is a perfect freedom in trade, and a constant attendance on the offices of religion, and a morality superior, perhaps, to that of any other community; and such a feeling of equality prevails between the rich and the poor, as recognises, on both sides, the common humanity in which consists the true dignity of man. Sir, it is the bounden duty of Parliament to put an end to the existing state of ignorance among the lower classes in this country, which is productive of so frightful an amount of crime. Nine tenths of the inmates of prisons throughout the country are unable to read. The voluntary system has been found to be a total failure. Already has it been abandoned in the case of the poor law and police, and organisation substituted in its stead. It must likewise be given up in the education of the people. I would ask, is the education of the people of a great country — education which ought to be based upon permanent and enduring principles — education which ought to grow with the growth, and strengthen with the strength, of the nation — to be left to the contingencies of the voluntary system, and the uncertainties of private subscription? When I conceive the idea of a public school, I consider that it ought to be a school properly and truly belonging to the nation at large, and not belonging to this or that

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clergyman, or this or that sect. I consider it, not in the light of a nobleman's park, into which a few favoured individuals are admitted, but in the light of the highway, along which the public have an undoubted right of way. Now, the institutions which have been so much referred to, — namely, the National and British and Foreigh Societies, — besides being inadequate in other respects for the purposes of general instruction, have, both of them, the defect of adopting exclusive systems. The National Society excludes Protestant Dissenters from the benefits it affords to members of the established church; and the British and Foreign School Society excludes Roman Catholics, by enjoining the Scriptures to be read without note or comment in its schools. Therefore, there is no complete system, or such as can be regarded in the light of a truly national education. Some persons wish to place the education of the entire people in the same hands in which partial education now reposes; others wish a national system to be established on a broad, liberal, and comprehensive basis, which should exclude none — no, neither the Catholic nor the Dissenter, the Protestant nor the Jew — from being instructed in the performance of his general duties. The Noble Lord the Member for North Lancashire has contended that we should place the entire system in the hands of the church, and has cited certain authorities in support of his opinion. But, Sir, those authorities are derived from times, the circumstances of which are wholly out of the pale of comparison with the present. They are derived from the dark ages, when the entire population of Europe was divided into two classes — the men of war and the men of peace, — the latter, men who devoted themselves to the studies of law and religion, and, very often, of both combined, — ages in which learning was almost completely confined to the priests. But will any man tell me that now, when literature and science are no longer confined to the church, — when learning has gone abroad amongst other classes, — that that church shall assume to itself the management of secular as well as spiritual education? God forbid I should seek to deprive the church of her due influence in matters of religion — matters over which her control appears both just and natural! for what is the duty of the church but to afford religious instruction? But it does not, by any means, follow, as a just conclusion, that the church is, therefore, able to afford the best instruction in physical science or secular affairs. And I would inquire whether, because it is the duty of the church to diffuse her doctrines, and instruct the people in a knowledge of them, it is likewise their duty to take means to prevent any other faith being adopted? If the church is to lay down the position that she is to be the sole manager of the education of the people, I maintain that she lays claim to a power which it is utterly impossible, under existing circumstances, she can ever possess. If she lay claim, on the ground of being the national church, we must then inquire what is signified by the word "national." If the faith and doctrines of the church were the faith and doctrines of the entire nation, then, indeed, the claim might be tenable; but, unless that can be clearly demonstrated, I apprehend the claim must fall to the ground. Surely it cannot be maintained by the Church of England that she is to assume the management of the education of the dissenting portion of the population, having no communion whatever with her, and repudiating her doctrines. But, suppose for a moment we admit the claim of the church in the abstract, will Honourable Gentlemen opposite say that the church has administered the duties of education, which have hitherto devolved upon her, with a zeal and energy so warm and exemplary, as should render us anxious to place in her hands increased power and more onerous duties? On this point, however, I am glad to add, that of late she has certainly manifested some increase of attention to this momentous matter.

I have already quoted, and expressed my opinion of, the second plan, which limits the grant to the two societies. I will here observe, that it is not sufficient that you come to the House of Commons and ask for a grant, to give greater effect to your intentions. The moment the money is granted, this House acquires a responsibility as to its application, and a right of superintendence. Now, the question arises, How has the Treasury applied this money? and also, whether the Treasury is the proper depository for the application of this money? First, the Treasury merely limits itself to the plain and obvious arrangement, that the amount of private contribution should be taken as a test or proportion for, and should govern the amount of, public money to be granted. That arrangement is good, so far as it stimulates private bounty; but then it has likewise this disadvantageous effect, — that the richer districts receive the larger share of assistance, whilst the poorer, which are so much in need of schools, receive no benefit. That

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is my first objection, as to the mode of applying the money. My second objection is this; — that it is not sufficient, when you talk about applying money to the extension of education, to confine your views to the mere building of school-houses. The very essence and mind of the school is the master; and this plan contains nothing for securing good and efficient teachers, — without which, no system of national education can be considered as complete. It is also necessary to establish a system of inspection; for those upon whom the responsibility will rest — and from the moment the public money is granted, such a responsibility is incurred — cannot account for the application of the grant, without the aid of inspectors. That which appears to be the plan best calculated for this country, as for every other, is to unite the central and local powers; the former, for taking charge of and transmitting the funds — the latter, for applying them. Such is the system acted upon, I might almost say, throughout the civilised globe. It was adopted in Greece, immediately after the revolution; it has existed in Naples since the year 1806; it was established in Rome under Leo XII.; in Tuscany, it was introduced still earlier; and it obtains in the confederation of Switzerland; — all these have their boards, their councils, their ministers of instruction, and their local committees. France, by the law of 1834, adopted the system; it was in use in all the states of Germany, from 1802 to 1834; in Russia it has been advancing stage by stage. Sweden has her local boards and committees; Denmark her councils, inspectors, and secretaries. In Holland the system has been put into action; and in the United States of America it has been found to work as well as in Europe, to the satisfaction of the population. In a Report on the state of education in the State of Kentucky, the reporter says: —

In the first place, the experience of those states whose systems I have examined, recommends very clearly that popular education be taken under legislative patronage and control. It cannot be denied that, in some cases, legislative effort has not been crowned with all the success desired; yet it is also true that the general diffusion of education has never been effected in any age or country, except by governmental aid and direction.

And again, in more detail, —

If every parent in the state could and would educate his children, and educate them well, nothing more could be desired. But as it is essential to the wellbeing of society that all its intellectual capital should be employed, if any member of the common family cannot educate his children, he should be assisted; if any could, but will not, they should be impelled to it, by authority or inducement; —

(This comes from America, not Prussia) —

— if all or any are disposed to do it, but to do it imperfectly, they should be overseen. The great object of legislative superintendence, therefore, is to see that all the children in society are educated, and educated well. That these ends cannot be attained without the direction of Government is demonstrable from the experience of New York, shown in 1816, when the Legislature assumed the control of public schools, the number of children was reported at 140,000; whereas at the present time it cannot fall far short of half a million.

Sir, my grand object is education — a united system of education. Now, the plan of the Government has been objected to, because the different sects will be brought in contact in the same schools; but the Government merely requires that they should receive their literary education together, and their religious instruction apart. I cannot see, therefore, what difficulty there is, in the way of religious education; or how it would be, in the slightest degree, changed or interfered with under the plan which is proposed. Now, with respect to the versions of the Bible, it is universally admitted that the Protestant version contains numerous errors and imperfections. Would it not, then, be better that the Catholic child should be allowed at school to read some version, or extracts from some version, rather than that he should receive no biblical instruction whatever? Honourable Gentlemen, who take a different view of this great and important subject from that which I entertain, are much in the habit of anticipating the most alarming evils from the practical application of those principles of popular education of which I have ever been the humble but earnest and sincere advocate; but if these evils are so likely to occur in England, I should like to know why they have not happened in Prussia, in Holland, or in the United States of America? The state of morals in those countries is such as the people of England might well desire to see established in their own land; and I do not hesitate to say that the superior state of morals is to be attributed to a superior state of national education.

Among the objections urged against the system which I advocate is this, — that it tends to promote the ascendancy of the Roman Catholic church. Now, I cannot see that it has any such tendency; and if I could think for a moment that it would be attended with such a result, I sincerely declare that it would receive no support from me. I am not more opposed to the

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ascendancy of Protestantism, than I am to the ascendancy of any other particular class of religionists. I am opposed to every species of ascendancy. I am as much opposed to Catholic ascendancy as I am to Protestant or any other ascendancy. There is no effort I could make — there is scarcely a sacrifice I should consider too great — for the purpose of preventing any ascendancy of any creed whatever; but it is in the confident belief that the great ends of education may be fully and completely attained, without, in the least, promoting the ascendancy of any class in the community, that I venture, earnestly, to press upon the Members of this House the necessity of giving to the children of those they represent a sound practical and religious education; and, at the same time that it is religious, protected from the dictation of any class of the community in matters of faith. It is impossible to look abroad without becoming sensible of the fact, that there is a deplorable deficiency of education in every quarter of the country — a deficiency, I may say, in almost every species of useful instruction; but I venture to hope that the time is not far off when this stain and reproach will be removed from the land.

Mr. COLQUHOUN. — I trust the Honourable Member who has just sat down will not impute it to any disrespect on my part, if I do not attempt to follow him through the details of his speech, and the documents he has quoted, — as, to do so would lead me away from the question before the House. I must say, however, that I scarcely think it correct that the Honourable Member should bring forward against the people of England the sweeping and general charge which he has done, — that they are lower in the scale of civilisation than any country in Europe, — that they are lower in the scale of civilisation than the people of Rome and Tuscany; and I cannot allow such an assertion to pass without protesting most strongly against it, as an assertion based, not upon a comprehensive view of the character and condition of the people of England, but upon statements referring only to the inmates of her criminal prisons. Sir, the point before the House for decision is not the establishment of a spiritual yoke, of the ascendancy of the Church. That is not the object of my Noble Friend, — but, the maintenance of a system which has been established, now, six years, with excellent effect, and the rejection of a new system, quite alien to the constitution of the country, and hitherto quite unknown to it. That new system, which was attempted to be introduced by a Committee of the Privy Council, has been, for the present, given up; but if they had the power of introducing it at all, they still retain that power, and they may at any time resume the scheme which they have just abandoned. So long as they retain a power of this kind, — a power giving them so extensive an influence over the religious and moral instruction of the nation, — the people of England will be justified in viewing it with jealousy. The scheme has not given satisfaction to any party, — to the Dissenter any more than to the Churchman. I will quote the authority of a Dissenter — a voluntary and a liberal — upon this point. Mr. Dunn, the secretary of the British and Foreign School Society, asks why we should betake ourselves to measures so foreign to the habits and feelings of the nation, and so liable to abuses, tending directly to the worst of all tyrannies — a tyranny over the minds of the people. Mr. Dunn further says that there is no imaginable reason why we should give any Government an amount of moral influence which, under some circumstances, might lead to the most destructive consequences. There is another reason why the people of this country should feel strong apprehensions with regard to the proposed plan. There is a curious coincidence between the steps pursued by the Noble Lord and the advice tendered by the Central Society of Education, of which the Honourable Gentleman opposite (Mr. Wyse) is so distinguished a member. The Central Society avows, as I understand, that the object to be aimed at is to establish, in this country, education which shall not be "sectarian." There is, perhaps, some difficulty in saying what absolutely comes from that society; for, after the example set them in very high quarters, they have a great many "open questions." Each person speaks for himself. They have somewhat of a Liberty Hall. But if any one can be considered to speak authoritatively the sentiments of the society, it is the secretary, Mr. Duppa; and it is the opinion of that gentleman that the state ought to separate secular from religious instruction. He says, in distinct terms,—

> To effect this object, it is only necessary that instruction of a purely scientific character should be separated from that which is religious.

There is another gentleman, who may be considered the peculiar missionary of the Government, inasmuch as, during the lectures recently delivered by him in town, he was patronised by several of its

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member'—I mean Mr. Simpson, — who says, —

Children are to be educated in the national schools from two to fourteen years of age. . . . The Bible (he said) should not be taught from two to fourteen. Masters should be dismissed for meddling with the subject of revealed religion. "I would prohibit the teacher from any reference in his lessons to Christian doctrines or Christian history. The Bible had better not be placed in the secular school at all. Without this, we shall never carry into effect a system of national education."

These are the sentiments plainly avowed by Mr. Simpson. I would ask the House, is it not too much to require that I, and those who think with me, should abandon the opinions which we held last year, merely because others have given up theirs, —that we should join in denouncing, now, those principles in conducting the education of the country, which we formerly gave our consent to when supported by the Noble Lord opposite? The Noble Lord has strangely departed from the wise course in which, last year, he so earnestly engaged. There has been a great change in his conduct.

LORD JOHN RUSSELL. — None whatever.

Mr. COLQUHOUN. — I repeat, that the Noble Lord and the Honourable Gentleman opposite by no means hold the same sentiments, in the present year, that they did in the last. On that account, as well as for other reasons, I shall take the liberty of calling the attention of the House to a short extract from a speech of the Honourable Gentleman who spoke last. It is in these words: —

The great defect of English education is the total want of a national organisation. There is not, as in all continental countries, a Minister and Council of Instruction — but a wandering voluntary system of instruction. If the State is to touch our public schools at all, she must do it through a proper department: no more grants, or a Minister and Council through which they are to come. Difficulties there may be, but none which good sense and strong will may not beat down. There is no possible reason why Government, in the case of England, should not act as in the case of Ireland. Is a Home Secretary, here, of shorter arms and poorer courage, than a Chief Secretary, there? A letter of instruction may fairly anticipate an Act of Parliament. What we want is the organisation — a board of education for England.

These were the sentiments of the Honourable Gentleman. What did the Noble Lord do? In February, out came his letter of instructions; in April, the National Board was constituted, following, step by step, most marvellously, the "instructions" of the society. The next measure was the erection of a normal seminary. This, also, was insinuated by the Noble Lord into one of his schemes. And what was the end which the Central Society had in view? The Honourable Gentleman (Mr. Wyse) has, to-night, pretty strongly intimated that the object was to give the board full inspection and control over all the schools in the country, and thereby to oblige them to alter their system according to such a plan as they should think proper to suggest. Sir, I have stated that this board does not give satisfaction to the Church of England, the Wesleyan Methodists, or the great body of Dissenters. But does it give permanent satisfaction to the gentlemen of the Central Board itself? No such thing. It is merely to be preparatory. They represent the Board of Privy Council as overloaded with business, not permanent in their constitution, and little versed in systems of instruction, and utterly unfit to superintend the national education. But the Central Society do not wish the Noble Lord, all at once, to grasp at entire domination over national education; but, by and by, a proposal will be made for appointing three paid commissioners, as a Noble and Learned Lord suggested in another place, with powers more absolute even than those of the Poor Law Commissioners, —powers to visit every school in England, to establish what was called a national school in every parish, and to compel every child, from two to fourteen years of age, to attend them. It is perfectly obvious, then, that we are now entering upon the first step of the plan, as developed both in the publications of the Central Society and in the elaborate evidence given before that committee, of which the Honourable Gentleman (Mr. Wyse) is chairman; and the House must be prepared for the results. The Noble Lord the Secretary for Ireland, and the Honourable Member for Lambeth, tried, the other night, to persuade us that our fears as to the results of this system were chimerical, —for that, in fact, it was only a recurrence to the old system, which had been in operation for the last six years. But if that be indeed so, —if there be no difference between the present plan and the Treasury scheme of Lord Althorp, — why does not the Noble Lord at once relieve the excited apprehensions of the country, by acceding to the motion of my Noble Friend the Member for North Lancashire? For this Board of Privy Council, so long as it exists, will possess great powers and great discretion, which it might abuse? All I ask is, that you should revert to the rules laid down by the

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Treasury. But are the rules laid down by the Board of Privy Council really the same as those of the Treasury? They are as different as possible. The rules of the Treasury secured to the country the guarantee of two established societies both for the character and the permanence of the schools to which money was voted; but, under the Board of Privy Council, any school, however recommended, — whether they had ascertained its character, or not, — whatever that character might be, — whether it taught the most absurd or the most offensive doctrines, — however ephemeral its existence might be, springing up to-day and disappearing to-morrow, — every such school may receive a portion of the public money. The Treasury scheme possessed another very great advantage; — it called forth, from the different localities in which a school might be established, a large amount of private subscriptions. The Privy Council Board presented no such guarantee for the judicious and proper application of the public money. It is true, no doubt, as the Honourable Member for Lambeth has remarked, that there are districts in the country so poor that they cannot afford to raise any local subscription. That fact is deserving of the utmost consideration. But let us, at least, supply those cases whose destitution the Treasury has examined, and which have not yet been relieved, before we are called upon to reverse the system on a mere theoretical objection. Besides, there is a great number of new district churches building throughout the country; and, if the Treasury grants be continued, a school will be established in connection with every one of these. Within the last six years, 120,000*l.* of public money has been expended for educational purposes; it has called forth no less a sum than 230,000*l.* in the shape of local subscriptions, and secured education to 230,000 children, and covered a population of two millions and a quarter. Thus have schools been erected with a perfect guarantee for both character and permanence; and it is hardly reasonable to call upon us to retrace our steps and reverse our system, because it has not effected all that some Honourable Gentlemen may desire. If enough has not been voted, why do you not increase the Treasury grant? You have, through the National Society, applications from no less than 168 places, giving education to 32,000 scholars, drawing out of local contributions 55,000*l.*, and receiving only 16,000*l.* from the Treasury. Here is a practical case, — a tangible and substantial good to be accomplished. The Privy Council Board allow the greatest possible latitude as to who should apply for a grant, and who should receive it: but they are very stringent in one rule; — they insist on a pledge to conform to the discipline and the rules laid down by the Privy Council.

LORD J. RUSSELL. — No; their own rules.

Mr. COLQUHOUN. — I beg the Noble Lord's pardon if I am wrong. I regret, however, we have not yet heard the comments of any one of those four members of the Board of Privy Council, in explanation of this very obscure and very important document. We were told, a fortnight ago, that papers should be laid forthwith on the table, which would remove the gross misrepresentations which had been circulated respecting the Noble Lord's scheme; but up to the present moment no explanatory document has been presented, — nothing to correct misapprehension, nothing to obviate perversion, nothing to clear away the mist which envelopes this important minute. When we came to the discussion, however, we were told by the Noble Lord the Secretary for Ireland that there should be a conformity to the regulations and discipline established in the several schools, with such improvements as from time to time might be suggested by the board. I will venture to say that no member of the Church of England, no Wesleyan Methodist, no evangelical Dissenter, would put himself in connection with this board, under a system so constituted as to require from them a conformity quite inconsistent with their principles and conscientious opinions. The plan, therefore, of the Noble Lord would exclude from any participation in the parliamentary grant all who were attached to the Church of England, and those large classes of Dissenters who never would consent to the condition so unjustly imposed of opening their schools to the visitation, control, and capricious improvements of a board whose plan is not yet matured, which is yet only in the womb of time, and which, so far as it has been developed, never can give satisfaction to the great bulk of the people. But it seems, after all, that the most obnoxious feature of the former scheme, the erection of a normal seminary, has not been abandoned; it was only postponed. What mode of instruction, then, does the Noble Lord propose to introduce in the normal school? Is it to be connected with the Church of England, on the system recommended by

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the British and Foreign School Society, which the Noble Lord has admitted to be the best? The Noble Lord's scheme is to lay aside all the special points of religion in which each sect differs, and reserve those general points in which they all agree. The Central Society represent the British and Foreign School system as essentially sectarian; conscientious Unitarians and Catholics are opposed to it. The Bible must be taught regularly and systematically; its doctrines must be engrafted on the minds of the children before any good moral result can be expected. On this subject I beg to quote the testimony of a distinguished philosopher and statesman. M. Guizot says, —

> It had been sometimes thought that to succeed in securing to families of different creeds the reality and the freedom of religious instruction, it was sufficient to substitute for the special lessons and practices of the several religious denominations, some lessons and practices susceptible in appearance of being applied to all religions: this would not answer the wish either of families or the law; they would tend to banish all positive and effective religious instruction from the schools, in order to substitute one that is merely vague and abstract.

The Noble Lord's *panacea* of special and general religious instruction must, therefore, be a complete failure. I hope, the Noble Lord, referring to the document which has lately been placed on the table, and which enumerates no fewer than twenty-five different sects, will place on record those doctrines in which they agree, and those on which they differ: the result will probably satisfy most Honourable Members that a system of instruction projected on such a basis must fail of its intended effect. Then, Sir, there must be a master: abstract rules, mere idle regulations, can effect nothing. The master must form the habits and minds of the scholars. Now, what religion is the master to be of? If he be a member of the Church of England, all the other twenty-five sects will clamour against his appointment; and if he belong to one of the twenty-five sects, the other twenty-four will clamour as loudly against him. If he be a man duly impressed with a sense of the religious principles of the sect to which he belongs, he will, of necessity, impress upon his pupils those religious principles which he himself conscientiously believes; and if he be a man of no religion, will the moral and religious people of England submit to have their children exposed to his tuition? What, then, are you to do with your model school, and with your rector, who is to initiate all the other masters, who are to be appointed to regulate all the other schools in England? M. Cousin has observed that children judge of the value of the instruction which they receive in schools from the time and attention devoted to it. If, then, religion were to be excluded as a subject of instruction from these schools, what would children think of religion? They would regard it with indifference: and therefore this system is setting up a series of schools which would train up tutors and children in indifference to all those great and eternal truths which are essential to the maintenance of peace and order in society. I therefore protest against this system, from which practical religion is absolutely excluded, — a system fraught with blunders, as the Noble Lord himself admitted, when he abandoned his first scheme.

[Cheers from the Opposition, and cries of "No, no!" from the Ministerial benches.]

What am I understand from those cries? That the first scheme is not even postponed? We heard a good deal last night about open questions; — is this to be another of them? The Noble Lord the Secretary for Ireland said, on the former night of this debate, that that scheme was abandoned. "But, no," says the Noble Lord opposite; "the scheme is not even postponed."

LORD JOHN RUSSELL. — I said nothing of the sort.

[Cheers from the Ministerial benches.]

Mr. COLQUHOUN. — I beg the Noble Lord's pardon, then; but some one said, "No!" and I conceived that the cry came from the Noble Lord; and the Noble Lord will forgive me if I attribute more of meaning to the Honourable Gentlemen who sit behind him, than I do to the Noble Lord himself. Sir, when I remember how often the Noble Lord has brought forward and abandoned schemes which he described as well considered and deliberately arranged, — and remembering, too, that it was only last year that the Noble Lord abandoned his education scheme, in deference to the opinions of those who usually sat behind him, — I must say that, if the negative which I just heard came not from the Noble Lord, but from some of the Honourable Members behind him, it affords me great room, at least, for comment. Will the Noble Lord, then, allow me to consider the last edition of his education scheme as the type of his meaning? Why, it was only last year that the Noble Lord

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declared, in his place in Parliament, that he could not discover any mode of reconciling religious differences on the subject of education; and that those differences were so wide and irreconcileable, that he despaired of being able to present to the House any united scheme of education. The Noble Lord, resting upon the petition from Manchester, signed by 22,000 persons, in support of the Government plan, and upon the petition presented by the Honourable Member for Staffordshire, which was not against it, will, perhaps, argue that there is now a greater concurrence in its favour than he had been led to anticipate, and will therefore be for introducing his postponed plan. I am, therefore, bound to come to the same conclusion to which my Noble Friend arrived on a former night, — that, as long as this board is to be constituted with unlimited discretion, and is to have power to deal as it pleases with the moral and religious education of the people, and, therefore, to tamper with those important elements of national prosperity, so long must I join with him in praying that that board should cease.

Mr. C. BULLER. — I must frankly admit that I am one of those unfortunate Members whose levity has called forth so much eloquence and so much indignation from the Honourable Member for Kilmarnock. I am sorry that I should have said anything to force the Honourable Member from his usual placidity and serenity of temper; but all that I meant to do was to contradict the assertion that the first scheme of education had been postponed on account of its blunders. There is, at least, one result from this debate, on which the friends of education have just grounds to congratulate themselves; and that is, that all the arguments against this plan resolve themselves into nothing else than a determined hostility, to every plan for the general education of all classes and sects of the people of England. I am not going to defend the defects which may be found in the Government plan, and which have given the Noble Lord the Member for North Lancashire another opportunity of treating his former colleagues with those courtesies by which he is accustomed to awaken the tender recollections of bygone friendships, and of expatiating on a subject on which no man has had greater experience than the Noble Lord; — I mean the most convenient mode of abandoning a course upon which a person has once entered.

[Cries of "Oh, oh!"]

I admit that the first plan had this fault, — that, whilst it was liberal enough to excite the hostility of the thorough-going friends of the established church, it was not liberal enough to excite the sympathies of the masses. There was, however, this of promise in that plan, — and there is also in the present, — around which the friends of civil and religious liberty ought manfully to rally, — there is in both plans a recognition of the principle, long adopted by the other enlightened Governments of Europe, but never till now advanced by our own, — that the business of education ought not to be left to the voluntary principle, or to the whims and caprices of individuals; but that it should be conducted as a matter of vital importance to all the best interests of every class of the community. Honourable Gentlemen opposite must recollect that it was their own imprudent zeal which promulgated the important declaration, — that the House must annul the business of education, on the ground that the state only could administer education under the superintendence of the established church; and that, if it might not so administer it, it ought not to consent to administer it at all. That is a proposition which I will always resist; and which I am certain will be successfully resisted, if I do not entirely mistake the spirit of my fellow countrymen. I will not venture to deal with the antiquarian lore in which the Noble Lord the Member for North Lancashire has indulged on this occasion. I will leave the Noble Lord with all the credit which he may wish to obtain from his acquaintance with the obsolete maxims of the Chief Justice of Henry IV., — for I will not enter into the question, whether the education of a Protestant, in the nineteenth century, should be regulated on the principles of a bigoted old barbarian.

[Ironical cheers from the Opposition.]

Yes; I say, a bigoted old barbarian, whose chief employment was the burning of Lollards. I will leave the Noble Lord to enjoy all the credit which he may think due to an example drawn from "the pure wells" of bigotry, "undefiled," — an example taken from the worst times of our Popish ancestors.

LORD STANLEY. — I never said any such thing.

[Cries of "Hear, hear!"]

Mr. C. BULLER. — I am not pretending to repeat the Noble Lord's words; but I appeal to any Honourable Member

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who heard the Noble Lord, whether what I have now said is not justly applicable to the spirit of his remarks. I am well aware that Noble Lords and Honourable Gentlemen in this House are far too cunning to commit themselves, here, to the same *formulæ* of bigotry to which their supporters commit themselves out of doors. But I would ask the Noble Lord whether he has not advocated the bigoted doctrine that there should be no education except under the superintendence of the Church of England — that doctrine from which he now seems willing to withdraw?

I wish, Sir, to examine this doctrine, and briefly to state my objections to it. First of all, I think, that to consign the business of education to the established church is tantamount to throwing it away altogether, for the established church has no machinery for conducting it; and when you talk of placing education in the hands of the established church, you can mean nothing else than leaving it to the voluntary contributions of its members. I call upon Honourable Gentlemen opposite to tell me what funds the established church, or the hierarchy of that church, have ever set aside for the purposes of education? I will say more, — I will say that the endowments of the Church of England, which were set aside at the time of the Reformation for the purposes of education, have been grossly perverted by that church, and have become mere sinecures. I did not expect to hear that assertion denied by any of the supporters of the diocesan schools, as they were the first persons to point out that perversion. But what, I would ask, has been the effect of leaving education in the hands of the established church? Am I to judge of the perversion of that system, from what takes place daily in the public schools, and parochial schools, and charity schools of the country, or from the state of various wide districts which are left entirely destitute of all moral and religious instruction whatsoever? What are we to think of that system of education, which has given to our country the greatest proportion of thieves and prostitutes of any nation in Europe? I believe that we may safely intrust the education of the people to the established church, whenever we see an earnest of a desire on the part of the church to devote its funds to the purposes of education, and whenever we see its honours and emoluments conferred on those who will apply their energies and knowledge to the instruction of the poor; — but not till then.

My second objection to the Noble Lord's proposition is still stronger than my first. In this country, liberty of conscience has been more completely vindicated than in any other country in Europe; and therefore our population is divided into a greater number of sects than are to be found elsewhere. If you offer education to our numerous Dissenters through the agency of the established church, and through its agency alone, they will be certain to refuse it. You may, indeed, say that that would be a strong proof of sectarian feeling; but still you would not be able to overlook the fact. What would be the effect of it? Not that you would give them religious instruction, but that you would debar them from all instruction whatever. My object, however, in rising to address the House this evening, is, to state an opinion with which I have long been impressed, — namely, that we shall never rightly appreciate the value of education, so long as we speak of it as a charity or as a premium, to be doled out with a bountiful or a niggard hand, on condition of conformity with the faith of the established church. Education is, indeed, one of the highest rights and privileges of a freeman; but I contend that the Legislature is bound to look at it in another point of view. The Legislature is bound to look at it as a precaution for the safety of all classes of the community, — as a precaution with which the poor and ignorant ought to be provided for the security of the rich and enlightened, — as a precaution most peculiarly necessary to be taken here, where society rests on an artificial basis, and is exposed to imminent danger, from the inequality of our social condition. This is a topic on which, for many reasons, I touch with alarm; for I must say it is with deep alarm that I take a view of the present condition of our labouring, manufacturing, and agricultural classes. Sir, when I look upon the precariousness of their condition, and the deep and dark gulf which separates them from their superiors in fortune, — when I look to our ignorance of their influence on society, and to the slight hold which we have on their affections, — it is with unfeigned terror that I observe the wild passions by which they are swayed, and the dense ignorance under which they labour. Look at a great portion of them, immersed in the most lamentable ignorance, and spending in the lowest and most profligate debauchery the few hours they can steal from their daily employment. Among another and yet wider class we may observe the spread of thought yet more pernicious, and the

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intercommunication of sympathies yet more menacing. Sometimes the murmur of their discontent and ignorance assumes an articulate form, and speaks in the accents of the disciples of Thom, the followers of Stephens, and the millions whose creed is Chartism; for such are the instructors to whom you leave the minds of the people.

[Cries of "Hear, hear, hear!"]

Some learn their religion from a lunatic, in whose resurrection they believe; others are taught that every man has a right to what wages he thinks reasonable, and that he may enforce his right by the dagger and the torch. Others are told that rents and profits are fraudulent deductions from wages; and, consequently, believe that the owners of land and capital are the plunderers and oppressors of the workman. These doctrines advance, unencountered by the morality or the simple political reasoning which would dispel their influence. This bad instruction is allowed to be the only instruction of the poor; while you, the enlightened rulers of this country, whose property and lives will be the first victims of these terrible delusions of the masses, spend in a squabble about creeds the precious time which is rapidly bearing us on to the dark catastrophe of your culpable folly and neglect. And when the Government — the last of civilised Governments — awakes, from its torpid neglect of the minds of the people, and proposes, at length, to send the schoolmaster among these dangerous yet teachable masses; — then come forward the Noble Lord, and the church, and the aristocracy, and the great Conservative party, arrayed in all the panoply of bigotry, and bar its passage with the Thirty-nine Articles!

I will take one practical instance of the evil I have mentioned. A large proportion of the population of Manchester consists of very poor, ignorant, and, I believe I may say, demoralised, Irish Catholics. They are people who not only suffer from the ills of want and precarious employment: they suffer from dense ignorance — they suffer from bad habits of depredation and drinking, and they have introduced, with all its horrors, into England, the peculiar vice of their own country, — that of illicit distillation. Such a community as this menaces property where it exists; and the greater their numbers, the more formidable is the combination. A wise and patriotic Government would make such a body of its people the first objects of its care — would use every endeavour to change their character, by instruction, from dangerous neighbours into good citizens. Their priests tell these people that they must read the Scriptures only in the Douay version. The Noble Lord opposite has found, on examination, some score of passages in which the Douay translation differs from the authorised version of the English church, and therefore refuses to permit the use of the Douay version. What is the result? Education is altogether denied to the unhappy Catholics. What is gained by the refusal? Does it make them a bit more inclined to Protestantism? Does it induce them to read what Protestants consider the true version of the Bible? Does it free them from that priestly influence so much deprecated? On the contrary, it merely rivets their chains more closely, and confirms the authority of their ghostly instructors; they are not induced to read the true version of the Bible, for they are not enabled to read any version at all: entire ignorance is added to the unfortunate nature of their religious opinions. Will any one maintain that the Catholic religion is so corrupting in its influence, that no difference can be perceived between its votaries in one country and those in another? Can any one imagine that the Roman Catholic of Lucerne is not a very superior person, in point of religious and general knowledge, to the Roman Catholic of Spain or Portugal? Are they not as far removed, in the scale of civilisation, as any human beings can well be? And what is the result of that reverence for religion boasted by Gentlemen on the other side? To keep the Catholics of this country in the state of the Spanish and Portuguese, rather than that of the Swiss or Germans, and to afford another illustration of the maxim, "*quam parvâ sapientiâ regitur mundus!*" The Honourable Member for Kilmarnock, in an ingenious and eloquent argument, has endeavoured to show that there could be no common instruction for people of different religions. This is a mere play on the words "instruction" and "education." Using the word "education" in the sense of wholly bringing up a child, I will concede that it would be a mere abuse of terms to say that there can be a sound scheme of domestic tuition without a basis of religion; but, taking the word "instruction" to signify the communication of knowledge in different branches of art and science, it would be an equal abuse of terms to say that there can be no such instruction unconnected with

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religion. Every man, in his own walk of life, is perfectly willing to receive or communicate instruction without reference to religion. I studied law in a conveyancer's office, but never thought it necessary to make any inquiry as to his religious opinions; and I believe I may safely say, it is not the custom of law students in general to do so. The most staunch Protestant on the opposite benches, in teaching his daughters music and French, does not think it necessary to proscribe all preceptors who may belong to a different church. I have, indeed, heard that some parents are so scrupulous as to teach their daughters the most villanous Swiss French, in order to have them taught by Protestants; but, much as I may respect this paternal conscientiousness, I hope I may never be subjected to the infliction of hearing those young ladies talk French. It may be said that these are but minor accomplishments; but I maintain that, in this respect, they stand on exactly the same footing as more useful branches of knowledge. The same principle extends to arithmetic, geography, history, and every species of information with which it is important for the poor man to be acquainted. If Gentlemen would attend to the influence of a common education, they would see that it is likely to produce a most desirable change in adding strength to the feelings of mutual charity implanted by nature in the human breast. Is it not enough that the people of this country should be split into so many various sects, taught to keep aloof from each other, and to view one another with jealousy and dislike? Is it not a valuable object to establish a common bond of feeling, by which the asperities of after-life may be softened? If the friends of the Church of England were wise, — and I say this without any fear of infusing suspicion into the minds of the Dissenters, — they would see that community of education must tend to the benefit of the church of the majority. How does it tell among the upper classes, of whom a decided majority belong to the Church of England? It generally turns out that the sons of Dissenters sent to Oxford and Cambridge, where the religion of the established church is that of the majority, conform to the established church. I have not the slightest doubt that the influence of a common education would greatly swell the numbers of the established church; but I must say that it is vain to expect any such wisdom from those who at present direct the counsels of the Church of England. I desire to speak with very great respect of the clergy of the Church of England.

An HONOURABLE MEMBER. — Oh! — Hear, hear!

Mr. C. BULLER. — I beg to tell my Honourable Friend, who cheers me in that sarcastic way, that, though I do not make many professions on the subject, I have, ever since I took any part in politics, been always sincerely desirous of upholding the Church of England. I have never been an advocate of the voluntary system in this country; therefore I wish that the clergy of the established church should entitle themselves to the respect of the people of England. But I am, with regret, compelled to say, that never, since the time of Sacheverell and the High Church mobs of Queen Anne's days, has the conduct of the clergy been more injudicious and offensive in political matters than it is, now; and never, since the time of Laud, have doctrines been put forward more alarming to the supporters of religious and civil freedom. Gentlemen opposite are in the habit of identifying those on this side of the House with all who promulgate wild or extravagant revolutionary opinions out of doors — with the Chartists, and such enthusiasts. I will not be so unfair to Gentlemen on the other side; but I cannot entirely dissociate them from a party out of the House, by which they are strongly supported, and which is considerable both in numbers and influence. I must couple them with the promulgators of the doctrines lately put forth in the universities. When I look at the tenets of the party which has lately sprung up in Oxford, — when I see that its supporters among the parochial clergy are increasing — that they have invaded the chairs of several professorships in the universities, have got into their hands the education of a great part of the youth of the country, and have many influential friends in this House, — I say that this is a time when it behoves the friends of liberty of conscience, as well as of civil freedom, to watch their proceedings with suspicion and distrust. I will not enter into the discussion of those points on which they have displayed a wonderful leaning towards the church they most revile. I will leave them to settle those points with their new allies, the Wesleyan Methodists.

[Cries of "Hear, hear!"]

I would only beg the sincere adherents of

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that denomination to look carefully to the proceedings of the leaders who have brought them into such close contact with those who undisguisedly profess the obnoxious doctrines of absolution and penance; and, as if that were not enough, descend to the most absolute puerilities of Catholicism, and cry up the virtues of the sign of the cross! I come, now, to the political tenets which have been put forward by my Honourable Friend the Member for Newark; and all will admit my candour, I trust, in taking for the object of my attack the able work which has emanated from so respectable a source, and endeavouring to excite the reprehension of doctrines supported by a Gentleman of whom I cannot speak without congratulating him, that he, almost alone of his age, has the fearless intrepidity to avow unpopular doctrines, and exhibits an intrepidity also of logic, very little imitated by other Gentlemen on the other side. I would only ask them to look at my Honourable Friend's arguments for his system of religious favouritism, or, rather, religious intolerance, and say whether one additional step, in logic, would not conduct them to persecution. The humanity of my Honourable Friend has caused him to pause before taking that step; but similar meekness, I am afraid, is not to be expected from many of those heated persons with whom he is leagued. How has my Honourable Friend treated the great bulwark of Protestantism — the right of free inquiry and private judgment? My Honourable Friend has made it dwindle away to the right of agreeing with the Church of England in all the doctrines she teaches. I ask the Members of this House — the guardians of religious as well as civil liberty — to look carefully to those doctrines, hostile to freedom and to Protestantism, which are now making such rapid and dangerous progress. If the arguments I have used are not sufficient to induce them to refrain from placing education under the control of the clergy of the establishment, they should, at least, insist on a sufficient guarantee that, in so doing, they be not favouring the propagation of doctrines, than which, I deliberately assert that Papacy, in its worst day, never advanced any more degrading to the human mind, and more inconsistent with human liberty.

Mr. T. D. ACLAND. — After the speech of the Honourable and Learned Member who has just sat down, I may be excused, perhaps, for trespassing a short time on the attention of the House. I am not, however, disposed to follow the Honourable and Learned Member through many points on which he has touched; because, I think that, of all places, the House of Commons is the most unfit to be converted into an arena for theological disputes. On none of the few occasions on which I have addressed the House, have I ever sinned in this respect; and I will not now be led away from the important constitutional and political question before the House, by the temptation of going into such discussions as that to which the Honourable Member for Liskeard has invited us. I would refer the Honourable Member to the intelligent Cornish miners, whom he well knows, and amongst whom is so large a body of Wesleyans, and I beg him to ask them whether the feelings now prevalent among the working classes are to be allayed by the mere influence of intellectual education? That portion of the community are suffering under those evils that are inseparable from the state of transition into which this country has been conducted by the progress of manufactures. I believe that no description of education, dissevered from religion, would be acceptable to the working men of England; and I do not think they will be grateful to those who would involve them in the squabbles of politieal economy, on the plea of extricating them from those squabbles of creeds, which the Honourable Member seems to apprehend as in separable from a strict religious education, — but which are more fairly chargeable on the scheme of the Government. I shall not, however, discuss the merits of that scheme, but confine myself to the motion before the House for an Address to the Crown to revoke the Order of Council appointing the Committee on Education. I believe that the question really involved in the motion before the House is, whether we shall substitute, for the system which exists at present in this country, the principle of a state education? — in other words, whether, ten or twenty years hence, the people of England are to have an established church or a Minister of Public Instruction. Perhaps, however, as the arguments of the Noble Lord the Member for Lancashire, on the law of the question, were dismissed in a somewhat summary way by the Noble Secretary for Ireland, I may be permitted to allude to that point for a moment. I believe no lawyer will deny that some general superintendence over education does still vest in the heads of the church, untouched by the changes which have taken place with the extension of religious

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liberty. The Act of 1779, by which Protestant Dissenters first obtained permission to keep schools, contains a special limitation forbidding the appointment of Dissenters to endowed schools, unless endowed for the immediate use and benefit of Dissenters since the 1 Will. & Mary. The Act of 1791, extending the same permission to Roman Catholics, is in like manner limited; and since these Acts, namely, in 1795, a decision has been given, in the Court of King's Bench, avowedly on the principle "that keeping of schools is, by the old law of England, of ecclesiastical jurisdiction;" so that the taunts attempted against the Noble Lord the Member for North Lancashire, for quoting feudal law, are rather misplaced. Nor has the law been changed, by the subsequent extension of religious liberty. The repeal of the Test and Corporation Act does not touch the question; and the Roman Catholic Relief Bill, in a remarkable manner, leaves this principle of the law untouched. It contains this clause: —

Provided also, and be it enacted, that nothing in this Act contained shall be construed to enable any person, otherwise than as they are now by law enabled, to hold, enjoy, or exercise any place or office whatever, and by whatever name it may be called, of, in, or belonging to any of the colleges or halls of the Universities, or the colleges of Eton, Westminster, or Winchester, or any college or schools within this realm.

Then I come to the question, whether there are just grounds for supplanting the church in this general superintendence of education, however limited it may be, to which she is entitled, and delivering it over to a body unknown in the constitution of England? Now, inasmuch as all practical inconvenience to those who dissent from the church has been removed, the advocates of a state education are bound to prove either a necessity arising from neglect or from unreasonable exclusiveness on the part of the church, or at least to show that the object can be much better attained by the direct interference of the state. I will endeavour to show that neither of these positions can be maintained. It is not necessary to enter into details of a date antecedent to this century; but, as Honourable Members opposite are in the habit of speaking as if the initiatory step in the business of education had been taken the other day, I would just observe that those charity schools, which call forth the admiration of every foreigner who visits this country, date as far back as the year 1698,—Archbishop Tennison having founded one of the first of them. Then, again, not to mention the schools established by the Society for the Promotion of Christian Knowledge about the year 1700, we have the Sunday schools, which were first established in 1781, by Mr. Raikes, of Gloucester, and supported by Bishops Barrington and Porteus; and yet arguments are constantly thrown in the faces of Honourable Gentlemen on this side of the House, which seem to proceed on the assumption that the church had never stirred in the education of the people before the year 1837! — at least, such was my understanding of the argument of the Noble Lord the Secretary for the Home Department, who dated the activity of the church from the time of the appearance of his address to his constituents in that year. I do not mean to assert that the church has educated all who are worthy of education at her hands, nor to deny that there is a great deficiency of sound education; but I must say that that deficiency has been much overrated, particularly in the statements which the Honourable Member for Waterford is in the habit of making. Last year, according to the Honourable Member, the proportion educated was one fifteenth of the population; this year, it seems, things have somewhat mended, and the Honourable Member makes it one thirteenth. Now, what is the real state of the facts? The population of Great Britain is about 15,500,000: 1,000,000 poor children are educated under the church; and about 50,000 are educated in the weekly schools of Dissenters. It is stated that there are 750,000 children in dissenting Sunday schools: from these last heads, however, I believe, there is some large deduction to be made for double entries. There are 600,000 other children under education in schools conducted by members of the church, being children of parents above the class of the poor. So that it appears, from parliamentary Returns, that nearly 2,500,000, or something between one sixth and one seventh of the whole population, receive education to a certain extent. But allowing that there may be some inaccuracy in the Returns which I have quoted, I would rest my case, first, on the undoubted and rapid progress which education generally is making under the existing arrangements; and, secondly, on the share which the church has had in promoting this progress. It was stated by Lord Brougham, in his masterly speech in 1820, that the proportion of children receiving education, to the whole population, at the beginning of the century, was 1 to 23; that in 1820 it had increased to 1 to 16; and, I think, after allowing for all deductions, I may safely defy the Honourable Member for Waterford to reduce it, at the present

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moment, below 1 to 11; but I believe it is considerably higher. As to the share which the church has taken in this progress, I will first take the increase of school room for the poor. Let it be observed that, since 1826, the population has increased 25 per cent. The church educated in that year 550,000 children, and she educates now about 1,000,000; so that the number of poor children educated by the church has doubled since 1826, while the population has only increased 25 per cent. during the same period. But if we take the increase of the schools in union with the National Society, in which it may be assumed, as a general rule, that the most efficient church schools are included, the result is more remarkable. Since 1820, the population has increased 35 per cent.; during the same period, the children in national schools have increased from 200,000 to 597,000,—nearly 200 per cent. And now, I would ask, how are all these schools supported? The Honourable Member for Kilkenny said, the other evening, that the state of the education of the poor was a shame to the church; that the clergy were paid for it, but had really done nothing towards educating the poor. But, from an inspection of the schools built by aid of the late grants, made by direction of the Right Honourable the Chancellor of the Exchequer, we come to a very different result. We then find that, in 376 schools, assisted by the grants of Parliament, on the recommendation of the National Society, 9381*l.* is paid in salaries, for which the clergy are mainly responsible. If these schools may be taken as a fair sample of church schools generally, the expense of school salaries coming out of the pockets of members of the established church cannot be less than 200,000*l.* And of this I am quite certain,—that, in 420 schools, the expense of salaries so paid is 10,591*l.* a-year;—and I leave the accuracy of the general estimate to be tested by Honourable Members. But I refer the House to a particular case, as stated by an unquestionable authority. At a meeting of the clergy of the diocese of Norwich, the right reverend bishop of the diocese, in the course of some remarks, is reported to have said that more than two thirds of the children of the diocese were educated by the clergy; and that, in the county, out of 1040 schools, he found that no fewer than 900 schools were maintained, supported, and attended solely by the reverend gentlemen around him; and the right reverend prelate declared his happiness in recording that fact.

I now come to the question of training masters, and am quite ready to admit that there is great room for improvement in this respect; but I am not less certain that the church has laboured anxiously to effect such an improvement: certainly, after the speech of the Noble Lord the Member for North Lancashire, the Government cannot venture to charge the church with delay on this point: but I must remind the Right Honourable Chancellor of the Exchequer, that he has never explained his assertion made in the debate on the 14th of June,—that the 10,000*l.* of the grant set aside for model schools had not been appropriated, because neither of the societies had asked for it. It will not now be denied that an application was made, in 1835, by the National School Society; and this House has never been informed on what grounds it was refused. It may be that the Right Honourable Gentleman had, in 1835, some vision of the normal schools of 1839; but certainly that application was made, and repeated, without success. Meanwhile, the church has set its own plans on foot; and a house has been engaged for the purpose in London. And with regard to the country, I am glad that the Honourable and Learned Member for Liskeard has witnessed the exertions that have been there made. Diocesan and training schools the church will have, whether aided by the Government, or not,—and they will be established on a far better principle than that which allows the children to be herded together in large numbers in the metropolis. These schools will be conducted on a far better principle; and on this ground I hope we shall have the support of the Honourable and Learned Member for Liskeard in our endeavours to render them what we desire, and what they ought to be,—the centre of an effective system of machinery for communicating instruction to the people of this country in those principles which are consonant with the views of that church to which the people of England are indelibly attached. I feel that I am unable to treat this important matter as it deserves; but I would beg leave to make one suggestion to those members of the Government who feel an interest in the improvement of masters and teachers of schools. I believe they are quite right in turning their intentions, in the first instance, to this point, but wrong in the course they have taken for the attainment of their object. If the Government, instead of attempting to take the education of masters into their own hands, which has led to all our present angry discussions on religious

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grounds, would consider the claims of those who have spent the greater part of their lives as teachers, they might, with very little difficulty, enable the different societies to obtain masters in every way competent to the required duties; and, by thus giving the help of Government, without interfering in the conduct of the school, would render greater service, without raising equal difficulties on account of religious differences.

Now, a word with regard to the subject of inspection. Last year, the Right Honourable the Chancellor of the Exchequer directed an inspection to be made of the schools of the two societies; but the British and Foreign Society refused to undertake the inspection proposed; and I think that refusal will be best explained by a memorial that was laid before the Treasury by the society. But there is one fact connected with the subject of this inspection to which I would call attention, as illustrative of the impartiality of the Government. The Right Honourable the Chancellor of the Exchequer has granted 500*l.* to each of the two societies, — the National and the British and Foreign, — the first of which has received aid for 425 schools, the other for 117. Now, if 500*l.* be a proper grant for that society, which had to inspect 117 schools, then, in the same proportion, 1800*l.* ought to have been given to the other society, which had to inspect 425 schools. Application was made to the Right Honourable Gentleman, on the part of the National Society, to have the grant enlarged; but the request was refused. I have inquired into what the cost of the inspection has been to the society; and I find that it is estimated, on an average of three cases, that 1220*l.* will have been expended under that head, — and that sum includes no allowance for the parties who conducted the inspection: I believe it does include five guineas paid to an experienced schoolmaster, who visited and reported upon twenty schools, which would amount for the whole to 100*l.* The Honourable and Learned Member for Liskeard has said that the church has no machinery for education, and that all she does is done by means of voluntary associations. Now, that the National Society is a voluntary body is true, literally, but not practically; for it contains in it, by charter, the whole bench of bishops. I had wished to abstain from alluding to exertions which have taken place only during the last year; but I must state, in answer to the Honourable Member's remark, that, by means of the existing machinery, sixteen diocesan boards of education have been established for most important purposes, and eighty subordinate ecclesiastical districts been regularly organised, during one year. I am not without hope that the people will find, in their future happiness, as I am sure that they do in their earthly comforts, that the church has a machinery suitable for education, which she is doing her best to put in motion.

There is another point to which I would wish to advert. The church has been charged by the Honourable Member for Lambeth, and in no very measured terms, with exclusiveness in matters of education. He accused the church of shutting the doors of the schools on Dissenters. Now, in reply to that charge, I will recommend the Honourable Member to cross the Thames from Lambeth to Westminster, — the population of which has, of late years, increased from 8000 to 28,000; the number of schools has increased in proportion, and the children instructed therein, from 286 to 1646; — and he will find, in the Sunday schools, that out of 600 children, there are 22 Roman Catholics, and 40 Dissenters of other sects; and in the weekly and other infant schools, 45 Roman Catholics, and 50 dissenting children, receiving instruction.

I think, Sir, I have now shown that, if the church be, as I have maintained, intrusted by the constitution with the general superintendence of any system of national education, she has not, by unreasonable exclusiveness or neglect, in increasing the number of schools, or in improving the schoolmasters, or on any other ground, forfeited the trust so reposed in her; and that, consequently, no necessity has arisen for the adoption of such a scheme as that now proposed. Then we are bound to consider what are the grounds for the argument of expediency on which you propose to introduce a system of education, under the direct and immediate control of the House of Commons, to be executed by a board whose duty it will be to reflect the will of the House of Commons from year to year, or, as we have lately seen, from month to month. Perhaps we may be told that, by taking the education of the people from the hands of the church, and placing it in those of a Central Board, appointed by the state, security would be given for the extension and permanency of education. This appears to me to be a fallacy; for, supposing the economists of the day should be of the same opinion as Mr. Cobbett expressed when Lord Althorp introduced the system which is now to be abandoned, and say that they did not see the use of education, and refuse a vote of the House on its behalf, — thus you would at once take away all its sup-

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port,—and its permanency would be at an end. Another argument proceeds on the advantage of uniformity of system. Now, I very much doubt whether, if you succeed, under the proposed general board, in bringing it to bear on the schools, you will ever obtain that uniformity and general good action which you appear to expect; but of this I am sure,—that if you do, it will be a great evil, and that far more good would result from the emulation of various bodies making voluntary efforts on plans somewhat different from each other. It has been stated that the control system of state education has succeeded in Prussia and in Holland. I must, however, beg leave to deny that fact. In Prussia, there is no such thing as a united system of education of various sects,—the church being always intimately connected with the schools;—so that, as a mixed system, the case is directly against you. And upon this subject I will just refer to the remarks of a profound philosopher of Germany, Professor Thiersch, who says, after visiting the normal school at Kaiserlautern, in Rhenish Bavaria, which is open to all denominations,—

The experience of other countries shows us that when seminaries are divided according to religious persuasions, peace is preserved both among teachers and communities; indeed, this happens the more completely any confession is allowed to follow its own course in supplying its real wants. Of these, one of the chief is the training of those to whom the care of elementary schools is intrusted; and the fact that this end cannot be attained without their being firmly rooted in the sentiments of a Christian confession, is a sufficient reason for dividing seminaries according to confessions, as is done in Nassau, Prussia, and elsewhere.

With regard to Holland, it is quite true that in the Batavian republic, under French influence, all systems of religion were put upon the same footing, and a system of education was devised in which all religious sects participated by the exclusion of all special religions. But in Holland, no one can teach in a school without a licence, and that licence it is extremely difficult to obtain. In England, the keeping of a school is free for all. In Holland, also, there is no vent for religious animosity,—which is not the case in this country. All these circumstances may tend to fit such a system for Holland, or to make it appear to succeed, though it might be very unfit for this country. But I know that this system has not given satisfaction in Holland. A sect called the "Separatists" has sprung up in opposition to the united system of education; and I am informed that a member of the Government, high in office, has resigned his situation in consequence of his objections to it.

[Loud cries of "Question!" and, "Order!"]

I will quote the authority of Mr. Brougham, in 1818, on the expediency of the direct interference of the state in the control of education: and let it be remembered that he was proposing a system of general education for the whole country. He proposed that the bishops should visit the schools, by themselves, their archdeacons, or chancellors; and that the visitor should have the power to remove masters, who might make their appeal, not to an educational board of laymen, but to the metropolitan. The visitor was to decide privately; and why? because, by the ancient law, he was privileged so to do; and in such a matter he considered it dangerous to innovate without absolute necessity. This was the system proposed by Mr. Brougham in 1818, as calculated to promote a sound and useful education.

[Loud cries of "Divide!" and, "Order!"]

Now, Sir, if neither the necessity nor the expediency of a state education can be established, what is the ground for departing from the present plan of giving assistance in proportion to voluntary exertion? The church has never set up an exclusive claim, nor objected to the grant, as proposed by Lord Grey's Government. But the British and Foreign Society, in their unparalleled memorial of the 14th of April, have perhaps disclosed the real origin of the Government plan. It seems that this comprehensive—this non-exclusive—society, finding they could not, on equal terms, obtain as large a share of public money as they wished, have actually set up a claim that their own system should, alone, be adopted, and that the only plan which could be satisfactory "would be one which should positively exclude, from all schools aided by Parliament, the formularies of any particular church:" it is they, too, who urge, "as preliminary to every other measure, the establishment of a Board of Education." Into the particular scheme proposed by the Government board I will not enter, because it has been more ably exposed by others, and because I wish to confine myself to the motion of the Noble Lord relating to the principle of establishing such a board at all. Meanwhile, I contend that the national church is the only authorised constitutional edu-

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cator of the nation, as a whole; that, as the law now stands, it does not trench on the liberties of any class; and that, substantially, all restrictions upon education are removed. If any measure can be brought forward to meet the wants of particular classes, which does not directly contradict the principle of an established church, — if it be honestly intended to remedy a practical evil, and not merely for the sake of introducing a principle, — it will meet with candid consideration. I wish to see the subject dealt with practically. Let the plan, therefore, be distinctly stated; let the discretion of the Government be clearly defined, and its powers limited. This, however, I will say;—that I cannot consent to any plan which shall give the full sanction of the state to sectarian schools, — schools, I mean, under the direct superintendence of ministers of religious bodies avowedly hostile to the church, whether Roman Catholic, Unitarian, or Baptist: nor, on the other hand, can I consent to a plan which shall lay down the permanent separation of secular from religious instruction, as the basis of national education. Whether, between these limits, a better arrangement than the present can be devised, I cannot take upon me to determine. If you have such a plan, then, instead of asking us to place unlimited powers in the hands of Government, let its principles be openly avowed and fairly discussed; and then, but not till then, will this House believe — will the constituency of the country believe — that you are only actuated by a desire to improve the religious, the moral, and the intellectual condition of the people; and you will deserve and receive the support of all reasonable men.

Dr. LUSHINGTON. — Sir, the question now under discussion, in the form and manner in which it has been stated by various Honourable Members of this House, is not of a temporary interest, whatever may be the conclusion to which the House shall now come, upon it; for it has been discussed on great and important principles, — and by the determination arrived at, the nation must be guided. Sir, I, for one, rejoice in this discussion; I, for one, thank the Noble Member for North Lancashire (Lord Stanley) for having brought forward his motion.

[Cries of "Hear, hear!"]

Yes; I thank him for having given an opportunity to the House to discuss this great and important question in all its bearings, and for bringing forward before the nation the highly important matter of deciding whether or not we are to have a national education? and if so, in what form, in what shape, and under what limitations? I thank the Noble Lord for another and not unimportant feature in this debate, because another Noble Lord who followed him — I mean the Member for the county of Dorset (Lord Ashley)— has promulgated the truth of this great proposition, — namely, that the education of the people is — to their interest here, and to their happiness hereafter — of the greatest consequence. I rejoice in that sentiment, because such was not, formerly, the language employed on that side of the House. I can well recollect when we were laughed to scorn, because we urged, for the lower orders of this country, their right of being educated to the highest pitch that the country could afford. I remember when it was argued in this House, that to communicate knowledge to the people would be to bring down the greatest and most alarming evils upon the country. But that day is gone by; and how stands the case now? Why, I have it conceded to me by the Noble Lord the Member for Dorsetshire, that education is of the last importance to insure the happiness and comfort of the people here, and their salvation hereafter. I come, then, to this conclusion, that it is the duty of the state to confer the benefit, and that it is the right of the subject to have it.

[Cries of "Hear, hear!"]

Well, if you admit the principle, can you deny me the consequence? If it be the duty of the state to educate, if it be the right of the people to claim education, then I ask you to tell me upon what principle it is, — upon what pretence of justice or expediency, — that you draw the line of exclusion as to any one sect or religion? Then say I to you, "Who has given you the power to take away that right which you have conceded to the public? What has enabled you to abandon a duty which I contend to be universal and without exception?" This is the doctrine which I will avow in this House. The Honourable Member who last addressed the House has denied the truth of that doctrine; the Noble Lord the Member for Dorsetshire has impugned the truth of that doctrine. I seek the truth. I am deeply interested in education in this country, and deeply concerned for it, in the colonies. Let us seek the truth, and let it go forth to the people. I care not if I be not supported by one voice, so that I promulgate what I believe to be important

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truths. I believe that there is upon this subject of education a great diversity of opinion throughout the country. I believe, further, that the apparent uniformity amongst the parties whose feelings are represented by the Honourable Gentlemen on the opposite side of the House has, in a great measure, been obtained by the grossest and falsest misrepresentations.

[Loud cries of "Hear, hear!"]

I am led irresistibly to this conclusion, when I see the plan suggested by the Government paraded through the streets as a "Popery" and "infidelity" scheme. When I see such steps taken to create a prejudice against the proposition, I feel myself entitled to say that the people of England have been imposed upon.

[Cries of "Oh!" and, "Hear!"]

The two Noble Lords (Lord Stanley and Lord Ashley), although they differ in some very important particulars, are both agreed upon one point. I have heard, from both, the highest encomiums upon one great and respectable body, — separated from the Church of England, as I am told, by very narrow limits;—I mean the body of Wesleyan Dissenters. I, too, hold that body in great respect; I admit the weight which must attach to any opinions emanating from so large and respectable a religious sect; but if I find them putting forward sentiments which I consider to be utterly inconsistent with truth and justice, I hold it to be my duty to express my disapprobation of those sentiments. I find, from a statement put forth by the Wesleyan Methodists, that they look upon the Government proposition as one involving a violation of conscience. What is the meaning of that statement? It means one thing, or it means nothing: it means that you may take money from the pocket of the Roman Catholic to maintain a Protestant establishment, but that the Roman Catholic shall be denied the slightest participation in the benefits to be derived from that establishment.

If, then, the plan be objectionable as applied to the Dissenters, it is ten thousand times more objectionable as applied to the Roman Catholics. If it be in direct violation of the consciences of the Protestant Dissenters to be compelled to contribute to an exclusive plan, it is ten thousand times more a violation of the conscience of the Roman Catholics. The Honourable Gentleman opposite admits that education is necessary for the advancement of the welfare and happiness of the people, here and hereafter. Yet he would exclude the Roman Catholic from every participation in the advantage of education,—leaving him in the very ignorance which he admits to be the parent of crime and misery here, and of unhappiness eternal, hereafter. If the principle be worth any thing, it will go the whole length, without exception of any one species of religious dissent. I shelter myself under no ambiguity. I hold the right principle to be this,—that no man is a judge for another as to what is truth. A Noble Lord has asked, and asked truly, "Can a Protestant of the Church of England ask what is truth?" He never can. He who belongs to the Church of England must be supposed to be convinced of the truth of its doctrine. But what right have I to say that that which appears to me to be true must necessarily appear to others to be true? If I am in a minority upon the present occasion, I shall not therefore despair of one day seeing my principles adopted and carried out into execution. I have fought more hopeless battles in this House, and have lived to triumph. I will never despair in a good cause.

I will now offer a word on another topic. It is impossible that I should speak with disrespect of the established church: I do not disavow its recent exertions in the cause of education: I think that the church has awakened from its long sleep, and is now really zealous in the cause of education; but I cannot agree in the doctrine laid down by the Honourable Gentleman opposite, that the established church in this country has an exclusive right or control over the education of the people. I am aware that such a power was claimed in the time of James I., and that, in the beginning of that reign, an Act was passed prohibiting private schools from being kept without a licence from the bishop. That continued, down to the reign of George III., when Dissenters, for the first time, were permitted to keep schools. Up to that period they were, in fact, prohibited from doing so; but even this prohibition was exceeded in bigotry and intolerance by that Act—a disgrace to our statute-book—whereby a Catholic teacher could not instruct a Catholic without subjecting himself to the penalty of perpetual imprisonment. Could intolerance go much further? The Church of England has control over the education in the grammar schools—and very properly,—because they were all established under the Church of England; and, by the terms of their foundation, were specially exempted from the

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effects of all statutes to the contrary. Let it not be supposed, for a moment, that I am disposed to remove the control of that church over the religious education of the people who belong to it; that would be to fall into the sin which I condemn in others: but I will not admit that the proposed plan of education should be abandoned, because it cannot be reconciled to the claims of the Church of England. It is said that, by combined education, you are taking away from the Church of England, and adding to Socinianism and Popery. But, in point of fact, the plan, as proposed by the Government, does not interfere with any school now in existence; and yet, notwithstanding this, it has been held up to the country, through the press and other sources, as tending directly to support and encourage Popery and Socinianism, and to injure the Church of England; whereas, in fact, all that is sought is, the establishment of normal and model schools, — the want of which has not been denied by any. Was not one of the conditions of the application of the plan, that the schools, whatever might be the number of pupils, should be under the inspection of a chaplain of the Church of England? But it has been said that the education is promiscuous. That is not the case. The education is general and special: general instruction, such as might be given in the schools without offence to the consciences of any; and special education,—that which would be given as to religion, and which is to be strictly confined to those who profess religious principles different from those of the established church. And I put it to the Noble Lord, to the House, and to the country, whether it is just to denounce the Government plan as leading to the introduction of Popery and spread of infidelity, merely because it gives to the children of each religious class — to Churchmen, Catholics, and Dissenters — separate and adequate religious instruction, each at a separate time, and totally apart from other interference? The Government scheme has been exposed to the grossest misrepresentations upon this part of the question. It has been said that the Roman Catholic version of the Bible was to be read by Protestant children, and that their infant minds would be corrupted by coming into early collision with papistical and other unsound religious opinions. Nothing could be more unjust, or less in conformity with the principle and basis of the scheme. Other parts of the plan have been denounced by Honourable Members as despotic and tyrannical. Let them consider whether there are any grounds for such aspersions. One distinct feature of the plan is, that of inspection. And the Noble Lord the Member for North Lancashire has agreed that, when the money of the state is to be given for education, the principle of inspection is not objectionable; and I believe that the Noble Lord the Member for Dorsetshire entertains something like identity of sentiment in that respect. Then what objection to the appointment of inspectors by the Government? Is it meant to be said that the inspectors would interfere with the duties of the clergy of the Church of England? Nothing can be more unwarranted.

I wish to make a single remark upon another point. It has been argued that the church has shown great liberality by consenting to allow a portion of the public money to be given to the British and Foreign School Society; — that the church has conceded so far, — she has given way to that extent, although it was a departure from her principles. But why did the church give way in that single step? Why concede anything that can be considered as a departure from a principle which ought to be maintained? Where can it be shown, in the constitutional history of the country, that the British and Foreign School Society is to be the impenetrable line of demarcation? There are thousands of schools conducted on the mixed principles of the National School Society and the British and Foreign School Society; and would you exclude those other schools, which are more favourable to the church than the latter? I think the Executive might be safely left with discretionary power in that respect; and I have every confidence that the Government, of whatever party they might be, would administer the grant fairly and impartially for the public good. The Honourable Member for Kilmarnock has talked of loose representations having been advanced as to the state of education in parts of the metropolis. I should like to know where he acquired his information? What has given him any pretence for such an assertion? The statements on that subject, which he impeaches, are the results of careful inquiry made by the Central Society for Education under the direction of Mr. Fowell Buxton, and have been sifted, for accuracy, in three different ways. In the district of Spitalfields, and within a radius of two miles, there are 10,000 children destitute of every kind of education, and there are no means available by which their ignorance can be removed. I would press this lamentable state of things upon

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the attention of the House, because destitution and ignorance here go together, and the evils of penury are aggravated by the entire want of education. The more such penury exists, the more it is the duty of the House to appropriate the funds of the country to supply the deficiency: and one of the best features in the plan of the Government is, that it provides means of doing so, by giving the proposed board of education a discretionary power to apply part of the public grant in quarters where aid is most required on account of the poverty of the inhabitants. I am not afraid of defeat; but of this I am convinced, — that if the House should declare to the country that they have resolved to act upon a principle of exclusion, — that they are determined to refuse essential aid to the education of the people in proportion to their contributions to the establishment, and to their wants and numbers,—it will be taken as a declaration of hostility against the great body of the community, and can only be viewed as a determination to condemn them to a continuance in that deplorable state of ignorance from which it should be our first duty to extricate them.

[Cries of "Divide, divide!"]

Mr. BROTHERTON. — I move that this debate be now adjourned.

LORD JOHN RUSSELL. — I shall not object to the adjournment till to-morrow, as I understand there are several Honourable Members, who are anxious to take part in the debate, who have not yet delivered their sentiments.

Motion put, and agreed to. Debate further adjourned till to-morrow.

SALE OF BEER BILL.

Committee deferred till Thursday next.

PATTERNS AND INVENTIONS BILL.

Second reading deferred till Wednesday next.

BOROUGH WATCH RATES BILL.

Further consideration of Report deferred till Friday.

LAND TAX DOUBLE ASSESSMENTS BILL.

Second reading deferred till Friday.

JOINT TENANTS VOTING (IRELAND) BILL. — WAYS AND MEANS.

Committees deferred till Friday.

REGISTRATION (COURT OF APPEAL) BILL.—HERITABLE SECURITIES (SCOTLAND) BILL.

Second readings deferred till this day.

BANKRUPTS (IRELAND) BILL.

Further consideration of Report deferred till this day.

METROPOLIS POLICE AND METROPOLITAN POLICE COURTS BILLS (ADVANCES OUT OF THE CONSOLIDATED FUND).

Committee thereupon deferred till this day.

HIGHWAY RATES.

On the motion of SIR C. BURRELL, Bill "to authorise the Application of a Portion of the Highway Rates to Turnpike Roads, in certain Cases," ordered to be brought in by SIR CHARLES BURRELL and Mr. HODGSON HINDE.

Bill subsequently presented, and read a first time; to be read a second time on Thursday next, and to be printed.

LOWER CANADA GOVERNMENT.

Bill "to amend an Act of the last Session of Parliament for making temporary Provision for the Government of Lower Canada," presented, and read a first time; to be read a second time on Monday, the 1st of July, and to be printed.

FRESH FRUIT COMMITTEE.

LORD ASHLEY discharged from further

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attendance; SIR EDMUND FILMER added to the committee.

PAPER DUTIES BILL.—BRICK DUTIES BILL.

Further consideration of Report deferred from this day till Wednesday next.

PAPERS.

Courts of Request; County Courts.—Papers (presented 17th of June) to be printed.

Adjourned at a quarter after twelve o'clock.

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HOUSE OF LORDS, Jovis, 20° die Junii, 1839.

APPEALS.

Abernethie *v.* Forbes (or Gordon). — Further heard, and adjourned *sine die.*

Brock *v.* M'Callum (or Webster). — Consideration of the cause (which stood appointed for this day) put off to Monday next.

Mac Rae *v.* Mac Rae (or Hyndman), principal action of reduction. — To be considered on Monday next.

Mac Rae *v.* Mac Rae (or Hyndman), supplementary action of reduction. — To be considered on Monday next.

Muir *v.* Muir and Company.— Set down for hearing *ex parte.*

Lang *v.* Lang. — Set down for hearing.

Fraser, A. T. F. *v.* Lord Lovat.—Leave for a recognizance to be entered into for the appellant.

Dixon *v.* Dixon (or Fisher). — The respondent ordered to answer peremptorily in a week.

PEMBERTON'S DIVORCE BILL.

Amendment reported (according to order), and Bill to be ingrossed.

LORD CREMORNE'S CLAIM TO VOTE FOR REPRESENTATIVE PEERS FOR IRELAND.

Report from the Committee for Privileges, That his Lordship had made out his claim, read, and agreed to; and ordered and adjudged accordingly.

BOULTON'S ESTATE.

Judges' Report received, and Bill read a first time.

COUNT DE ST. GEORGE'S NATURALISATION.

Certificate read; petitioner took the oaths; Bill read a second time, and committed for to-morrow.

DAVIE'S ESTATE BILL.

Reported, with amendments, and to be ingrossed.

HALL'S ESTATE BILL.

Reported specially, with amendments; a clause added; and to be ingrossed.

SOUTH EASTERN RAILWAY BILL (No. 2.). — MOY NAVIGATION BILL.

Brought from the Commons, and read a first time.

LONDON AND BLACKWALL COMMERCIAL RAILWAY BILL.

Brought from the Commons; read a first time, and referred to the Standing Orders Committee on Tuesday next.

MANCHESTER AND LEEDS RAILWAY BILL. — BRISTOL AND GLOUCESTER RAILWAY BILL.

Returned from the Commons, with the amendments agreed to.

BETHLEM HOSPITAL ESTATE BILL.

Returned from the Commons, agreed to.

WISHAW AND COLTNESS RAILWAY.

Report from select committee, That the Earl Cadogan not having been present this day, the committee adjourned, at half-

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past twelve o'clock, until to-morrow, at eleven o'clock.

PRESTON AND WYRE RAILWAY, HARBOUR, AND DOCK BILL.

Reported, without amendment.

MANCHESTER AND BIRMINGHAM RAILWAY BILL.

Reported from the Standing Orders Committee, and leave given to proceed with the Bill.

BIRMINGHAM CANAL.

Reported specially, without amendment.

GLASGOW AND RENFREW ROAD BILL.

Reported, without amendment.

HATFIELD SMALL DEBTS BILL.

Read a second time, and committed for Thursday next.

PETERBOROUGH GAOL BILL.

Read a second time, and committed for Tuesday next.

SAWMILL FORD BRIDGE AND ROAD BILL. — EDINBURGH, LEITH, AND NEWHAVEN RAILWAY BILL.

Read a third time, and passed.

WATERFORD FEVER HOSPITAL BILL.

Read a third time (according to order), and amendment made; Bill passed, and sent to the Commons.

CAMBER QUAYS (PORTSMOUTH) BILL.

Report from the Select Committee appointed for proposing Committees on Opposed Bills, That the following Lords be selected and proposed to the House to form the select committee for the consideration of the Bill; namely, —

The Earl of Selkirk,
The Earl of Aylesford,
The Earl of Burlington,
The Earl of Ripon,
The Lord Seaford.

Agreed to; and the said Lords appointed accordingly. The committee to meet to-morrow, at eleven o'clock: and the petition in favour, also the petition praying for compensation in the event of the Bill passing into a law, also the petition against, and also the petitions praying to be heard by counsel against, severally referred to the committee; with leave to the petitioners praying to be heard by counsel against, to be heard, as desired; as also counsel for the Bill.

CHURCH DISCIPLINE BILL.

The BISHOP of HEREFORD and the BISHOP of GLOUCESTER presented petitions against, — of clergy of the deanery of Stonehouse; and Winchcomb: and of clergy of Bridgnorth and Hereford. — Read, and ordered to lie on the table.

ISLAND OF NEWFOUNDLAND.

The EARL of RIPON presented a petition for the abolition of the present Colonial Legislature, and for the adoption of a better system of government, — of merchants of Greenock trading to and connected with the island. — Read, and ordered to lie on the table.

ESTABLISHED CHURCH (CANADA.)

The BISHOP of HEREFORD and the BISHOP of GLOUCESTER presented petitions for the protection of, — of clergy of the deaneries of Wylye, Amesbury, and Wilton: of clergy, gentry, and other inhabitants of Hillingdon, and township of Uxbridge: and of the minister, churchwardens, and other inhabitants of Fontmell Magna; Ludlow; Southampton; Brockthorp; Handley; and Ashmore. — Read, and ordered to lie on the table.

HIGH SHERIFFS' EXPENSES BILL.

The DUKE of RICHMOND. — Seeing my Noble Friend who has taken charge of the High Sheriffs' Expenses Bill in his

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place, I am anxious that he should name a day for the second reading; for, inasmuch as the measure imposes an additional charge on the county rates, I now beg to inform my Noble Friend, that whenever the second reading is moved, I shall propose that the Bill be read a second time that day six months.

LORD COLBORNE. — I will move the second reading on Monday, or any other convenient day.

LORD BROUGHAM. — A very important Bill — the Education Bill — stands for Monday.

The DUKE of RICHMOND. — Whenever the second reading comes on, I certainly shall oppose the Bill, because I find that, year after year, additional charges are saddled on the county rates.

LORD COLBORNE. — Say Tuesday for the second reading.

The DUKE of RICHMOND. — I should prefer Thursday.

The EARL of RIPON. — On Thursday I shall bring forward my motion relative to Malta.

The Bill was then ordered to be read a second time on Tuesday next.

EDUCATION (NATIONAL).

The BISHOP of SALISBURY, the BISHOP of GLOUCESTER, and the BISHOP of LONDON presented petitions against the plan recommended by the Privy Council, — of the Chancellor and Clergy of the Archdeaconry and Deanery of Carlisle: of Clergy of the Archdeaconry of Sarum; and Gloucester: of Clergy of the Deanery of Cumberland; and Westmoreland: of the minister and inhabitants of Egham: of the minister and members of the congregation of Fitzroy Episcopal chapel, Saint Pancras: and of inhabitants of Ruskington; Caynham; Stourpaine and Steepleton; Lyndon; Wanstead; Takeley; East Ham; St. John the Baptist and St. Aldgate, Gloucester; Great and Little Ilford; Ashbourne; Dagenham; Tarrant Gunville; Ashmore; Welton; St. George, Hanover Square; Nafferton; Hatfield Broadoak; Charmouth; Campden; Ryme Intrinseca and Hermitage; Barking; Leyton; Stow on the Wold; and Wrington. — Read, and ordered to lie on the table.

SCOTCH CHURCH.

EARL CAWDOR presented petitions for the further endowment of, — of inhabitants of Inveraven; and Croy. — Read, and ordered to lie on the table.

IDOLATROUS WORSHIP (INDIA).

The BISHOP of LONDON presented a petition for the prevention of, — of the committee of the Derby and Derbyshire Auxiliary Established Church Society. — Read, and ordered to be received as the petition of J. G. Howard (the chairman), who, only, has signed it.

SABBATH.

The BISHOP of LONDON presented petitions for the better observance of, — of masters, mistresses, house servants, and others belonging to or employed at the posting houses at Matlock: and of inhabitants of Smalley; Horsley; Matlock; and Morley. — Read, and ordered to lie on the table.

POSTAGE.

The MARQUESS of LANSDOWNE presented petitions for reduction of the rate of, — of aldermen, councillors, burgesses, and other inhabitants of Saint Martin's Ward, Birmingham: of merchants, manufacturers, and others, of North Street, Belfast: of members of the Mechanics' Institute of Bradford: of proprietors, compositors, pressmen, and others of the printing office of Messrs. Bradbury and Evans, Lombard Street, Fleet Street: of teachers of the Belfast Sunday School Union: of proprietors and persons employed in the establishment of Waterloo House, Pall Mall East; and P. Dugan, 21. High Street, Portsmouth: of inhabitants of Yalton; Fowbridge; Saint Osyth, Essex; Notting Hill Square; Isleworth; Great Bentley; Raydon; Stewartstown; Newcastle upon Tyne; Abersychan; Elmstead; Hanley and Shelton; Devonport; and Ross, Wexford: of female inhabitants of Kentchester: and of persons signing. — Read, and ordered to lie on the table.

CIRCASSIA.

LORD WHARNCLIFFE presented a petition of merchants, shipowners, coalowners, and others comprising the Cham-

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ber of Commerce of Newcastle on Tyne, praying for the adoption of some measure for establishing the freedom of commerce between Great Britain and Circassia. — Read, and ordered to be received as the petition of M. Plummer (the chairman), who, only, has signed it.

JAMAICA BILL.

Brought from the Commons; read a first time; to be printed, and to be read a second time on Friday, the 18th instant, and the Lords summoned.

MAYNOOTH COLLEGE.

The BISHOP of GLOUCESTER presented a petition for inquiry relative to the studies and discipline of the college, — of inhabitants of Colchester. — Read, and ordered to lie on the table.

ROMAN CATHOLIC RELIEF BILL.

The EARL of WINCHILSEA. — My Lords, I beg to give notice that I shall, to-morrow, present a petition which has been intrusted to me on a subject of great importance. It is signed by 3000 persons, and prays for a repeal of the Roman Catholic Relief Bill of 1829.

CORN LAWS.

LORD BROUGHAM. — My Lords, I hold in my hand a petition from certain inhabitants of the town of Cambridge, complaining that, on a late occasion, a Mr. Smith and a Mr. Shearman, having attended at the theatre, in that borough, to deliver lectures on the subject of the Corn Laws, were, together with the auditory, subjected to a very brutal attack, on the part of certain undergraduates and members of the university, by which their lectures were interrupted, and finally put a stop to by main force. The petitioners state that, to their great astonishment, they find that no steps have been since taken by the authorities of the university to punish the parties who were guilty of this breach of the peace. They therefore pray your Lordships to take the subject of the corn laws into consideration, and also to adopt such means as may be necessary for the good governing of the University of Cambridge, and such as shall enable the inhabitants of that borough to enjoy, uninterruptedly, the great and undoubted right of free discussion. These are high matters, no doubt; but academical discipline is a subject which I do not understand.

Read, and ordered to lie on the table.

TURNPIKE ROADS.

LORD BROUGHAM. — I beg leave to present a petition signed by seven individuals, who are creditors under the Manchester and Buxton Turnpike Road Act, and who are interested to no less an amount than 51,000*l.*, invested in turnpike trust securities. They complain that, in consequence of the multiplication of railways, they receive scarcely any return for their money, and they pray the House to adopt some measure for their relief and protection. There are upwards of 7,000,000*l.* of money embarked, it seems, in these trusts; and, as the subject is of deep importance to those who have thus advanced their capital, I shall draw your Lordships' attention to it at a future period.

Read, and ordered to lie on the table.

EDUCATION (NATIONAL).

LORD BROUGHAM presented petitions in favour of national education free from all religious distinctions, — of inhabitants of the city of Chichester; and Towcester. — Read, and ordered to lie on the table.

Also, petitions of inhabitants of Saint James's, Clerkenwell: of the Westminster Reform Society: and of the Bridgewater Protector Society. — Read, and ordered to be received as the petitions of the chairmen, who, only, have signed them.

Also, petitions in favour of the plan recommended by the Privy Council, — of members of the Plymouth congregation of Unitarian Christians; of members of a Baptist congregation and other inhabitants of Southampton; and of inhabitants of Bath. — Read, and ordered to lie on the table.

CHURCH AND STATE.

LORD BROUGHAM. — I beg leave to present a petition from landholders of Blackrath, complaining of the many evils which have been brought on the country by the established church, and they pray — and I was startled when I saw the prayer, for I, at first, thought it was that the church itself should be abated; but they do

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not go that far, they content themselves with saying they think it fit — "that the fatal alliance between church and state may be dissolved."

Read, and ordered to lie on the table.

JAMAICA BILL.

On moving the first reading of this Bill, —

The MARQUESS of NORMANBY said: — I should wish to fix the second reading for some early day in the next week, and to reserve the discussion on the principle to the question of going into the committee, which, in that case, I would fix for Friday, if it should meet the wish of your Lordships. I should be glad to name an early day for the second reading, as I am anxious that the House should come to a decision on the principle of the Bill.

The EARL of HAREWOOD. — As I have a very important petition to present against the Bill, I am anxious to have the opportunity afforded to me of doing so before the Bill shall have passed through another stage.

The DUKE of WELLINGTON. — Some delay will be necessary, moreover, as it is probable that counsel will desire to be heard against the Bill.

The MARQUESS of NORMANBY. — Then I will fix the second reading for to-morrow week.

The Bill was thereupon read a first time; ordered to be printed, and to be read a second time on Friday, the 28th instant, and the Lords summoned.

RULES OF PROCEEDINGS (BOROUGH COURTS) (No. 2.) BILL.

Read a third time (according to order), passed, and sent to the Commons.

WINDSOR CASTLE STABLES BILL.

On the Order of the Day for the second reading of this Bill being read, —

LORD ASHBURTON said: — I cannot allow this Bill to be read a second time, without stating that I consider it very likely to deteriorate the property of the Crown; for it authorises the Commissioners of her Majesty's Woods and Forests to apply the sum of 70,000*l.* "out of the revenues that have already arisen, or may hereafter arise," from the sale of portions of the lands of the Crown. Why, I will ask, should not the repairs be taken out of the actual revenue of the Crown, without alienating part of the Crown lands, which are the capital, and not the income? You might as well, at once, sell or alienate part of the Crown lands for the building or repair of Windsor Castle, as for the erection of these stables.

VISCOUNT DUNCANNON. — This principle is not a new one, for it has been acted upon for the last twenty years. Thus, as to the improvements in the Strand, and in the rebuilding of Buckingham Palace, the greater portion of the expense of these was defrayed by the produce of the sale of Crown property; — that is to say, part of the capital of the Crown estates.

The EARL of RIPON. — I do not recollect that any moneys arising out of the sale of lands by the commissioners have ever been applied in the manner mentioned by my Noble Friend (Viscount Duncannon); but, as the sums required for the purposes stated were very great, — greater, perhaps, than the whole annual income of the Crown lands, — the fact probably was so. What I wish to know from my Noble Friend is, whether the annual income of the Crown estates is so charged with debts, from former or present improvements of Crown property, as to be unable to bear this additional 70,000*l.* for the erection of stables at Windsor? and whether, in consequence, it has become necessary to raise the money by the sale of certain further portions of the Crown lands? If the proposed sum is to be taken out of the general revenue of the Crown lands, the objection of my Noble Friend near me will not apply. The whole income of the Crown lands is about 240,000*l.* a-year. Am I to understand from my Noble Friend (Viscount Duncannon) that this income is already so charged as to be unable to meet the expense of these stables at Windsor?

VISCOUNT DUNCANNON. — Debts to a very considerable amount have accrued on the revenue of the Crown for the improvements in the Strand, in the opening or approach near Waterloo Bridge, and in the alterations at Buckingham Palace. These, however, have now been all, or nearly all, paid off, and there is, at present, a surplus revenue of about 140,000*l.*

The EARL of RIPON. — I think that the expenses of the erection of the stables

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at Windsor ought to be paid out of that income, and not out of the produce of the sale of any part of the Crown lands.

VISCOUNT DUNCANNON. — I do not see why any lands should be sold for this particular purpose; but Noble Lords should consider that it does not follow that, because sales of some portions of Crown lands take place, there is, therefore, a deterioration of Crown property; for certain portions are sold for the purpose of investing the produce in the purchase of other property, which is considered more advantageous, and many of those sales have produced great improvement in the Crown property, — for instance, the purchase of some land at Pimlico; and the site for the stables at Windsor will be a considerable improvement to the Crown estates.

LORD ASHBURTON. — I still cannot see why the property of the Crown should be sold, while there exists an income from those lands sufficient for the expense required for the stables at Windsor. The Crown has only a life interest in those estates, and nothing should be done to deteriorate their value.

VISCOUNT DUNCANNON. — I repeat that the course pursued by the commissioners is one which goes to improve the property of the Crown, by selling, as I said, some portions for the purpose of purchasing others, more advantageously situated. The Crown will not be a loser by this operation.

LORD BROUGHAM. — The sale of any portion of the capital of the Crown estates will be a diminution of the interest which that capital will produce before it is reinvested. If there be not income enough, why not raise the sum required by loan?

The EARL of RIPON. — I am perfectly satisfied with the explanation of my Noble Friend: if property of one kind belonging to the Crown be sold for the purpose of purchasing that which is more advantageously situated, the Crown, certainly, cannot be the loser by it.

The Bill was then read a second time, and committed to a committee of the whole House to-morrow.

ASSIGNMENT OF ECCLESIASTICAL DISTRICTS.

The BISHOP of LONDON presented a Bill "to make better Provision for the Assignment of Ecclesiastical Districts to Churches or Chapels augmented by the Governors of the Bounty of Queen Anne, and for other Purposes." — Read a first time, and to be printed.

JAMAICA.

On the motion of VISCOUNT ST. VINCENT, Address ordered for copies of the following Acts passed by the Legislature of Jamaica: — 35 Car. II. c. 11., 32 Geo. III. c. 11., 55 Geo. III. c. 19., 5 Will. IV. c. 2., 5 Will. IV. c. 8., intituled, "An Act for making further Provision for the building, repairing, and regulating of Gaols, Houses of Correction, Hospitals, and Asylums," 4th July, 1834; 5 Will. IV. c. 21., intituled, "An Act for granting Aid from the Public Funds in erecting, enlarging, and repairing Houses of Correction and Treadmills;" 5 Will. IV. c. 37., intituled "An Act in Aid of an Act intituled 'An Act for making further Provision for the building, repairing, and regulating of Gaols, Houses of Correction, Hospitals, and Asylums:'" Also,

The resolutions of the meetings of planters and others interested in Jamaica, on the 12th of April, 10th of May, and 4th of June, communicated to the Marquess of Normanby: And, also,

The memorial of the association of the Jamaica proprietors, addressed to Viscount Melbourne and the Marquess of Normanby on the 30th of May.

CORPORATIONS (IRELAND).

Petitions against the measure, — of the master, wardens, and others of Sheermen, and dyers or guild of Saint Nicholas, Dublin; and of the congregation of Christ Church, Liverpool. — Read, and ordered to lie on the table.

CORN LAWS.

Petition noticing the failure of the potato crops in Ireland, and praying for alteration of the duty on corn, — of Andrew Banfield, of Ballingarry Mills, Loughrea, Ireland. — Read, and ordered to lie on the table.

SLAVE TRADE.

Petition for the adoption of a measure

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for the entire suppression of, — of the ministers and elders of the General Assembly of the Church of Scotland met at Edinburgh. — Read, and ordered to lie on the table.

MAYNOOTH COLLEGE.

Petition against any further grant of money for the support of, — of the Edinburgh Operatives' Conservative Association. — Read, and ordered to be received as the petition of —— M'Donald (the president), who, only, has signed it.

PRINTING OF THE BIBLE (SCOTLAND).

Petition, taking notice of the approaching termination of the patent of the Queen's printer for Scotland, and praying that some plan may be adopted to secure correct editions of the Bible in future, — of the ministers and elders of the General Assembly of the Church of Scotland met at Edinburgh. — Read, and ordered to lie on the table.

SABBATH.

Petition for the better observance of, and for suspension of the business of the Post Office on the Sabbath, — of the General Assembly of the Church of Scotland: and of inhabitants of Morley; Matlock; Stony Middleton; Smelley; Horsley; and Saint Alkimund. — Read, and ordered to lie on the table.

POOR LAWS AMENDMENT ACT.

Petition for alteration of, relative to out-door relief and the bastardy clause, — of magistrates, guardians, and others of the Carmarthen union. — Read, and ordered to lie on the table.

PAPERS.

The LORD CHANCELLOR acquainted the House, That the clerk assistant had prepared, and laid on the table of the House, pursuant to order of Tuesday last, a Return, showing the number of petitions against the Beer Act presented to the House in this Session, and in the years 1837 and 1838, from magistrates in quarter sessions, magistrates in petty sessions, boards of guardians, inhabitants of parishes and towns, and bodies of individuals.

List, specifying the particulars of compensation proposed to be granted to certain persons late in the service of the East India Company, under an arrangement sanctioned by the Board of Commissioners for the Affairs of India. — Delivered, and ordered to lie on the table.

Home accounts of the East India Company (eleven classes). — Delivered (pursuant to Acts), and ordered to lie on the table.

Copy of Report from the Select Committee of the House of Commons on Church Leases. — Communicated (pursuant to message of Friday last), and to be printed.

Copy of Report from the Select Committee of the House of Commons, appointed in the present Session, to inquire into the state of communication by Railways; together with the minutes of evidence and appendix thereto. — Communicated (pursuant to message of Tuesday last), and to be printed.

First Annual Report of the Registrar General of Births, Deaths, and Marriages, in England. — Delivered (by command), and ordered to lie on the table.

Return of all prisoners for trial in the different gaols and houses of correction in England and Wales, at the period of the different assizes since Easter, 1838, but who were not inserted in the calendar; specifying their offences, and also whether any, and which of them, were discharged by proclamation. — Delivered (pursuant to Address of the 29th of April last), and to be printed.

Adjourned.

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HOUSE OF COMMONS.

PRIVATE BUSINESS.

Newport Dock Bill. — Read a second time, and committed to LORD GRANVILLE SOMERSET and the Monmouth list.

Redcar Harbour (No. 2.) Bill. — Two petitions of shipowners, masters, mates, and seamen of vessels trading between the port of London and the eastern and northern ports of the United Kingdom, in favour. — To lie on the table.

Dublin and Drogheda Railway. — Petition for leave to present a petition for a Bill. — Referred to the Select Committee on Petitions for Private Bills.

Small Debt Bills. — Time enlarged for all committees on Small Debt Bills to report till Monday, July 1st.

Liverpool Buildings Bill. — Reported; to be engrossed.

Sidmouth Improvement and Market Bill. — Reported; to be ingrossed.

Bethlem Hospital Estate Bill. — Reported, without amendment; read a third time, and passed.

Blunt's Estate Bill. — Reported, with amendments; amendments agreed to.

Pontefract Honor Court Bill. — Reported, and recommitted to the former committee: leave to sit and proceed on Monday next.

Deptford Pier Bill. — Report further considered; amendments agreed to; Bill to be ingrossed.

Commercial (London and Blackwall) Railway Bill. — Read a third time, and passed.

PUBLIC BUSINESS.

PAPERS.

The following Returns, &c. were severally presented, and ordered to lie on the table; namely, —

Lunatics. — Returns of lunatics against whom commissions of lunacy are now in force, and the amount of their annual incomes, &c. (ordered the 21st of February).

Metropolis Turnpike Roads. — Thirteenth Report of the commissioners (by Act).

East India Company. — List No. 100., specifying the particulars of the compensation proposed to be granted to a reduced officer of the company (by Act).

East India. — Copy presented, — of index to the Acts of the supreme Government of India, 1836 and 1837 (by Act).

Crown Teinds (Scotland). — Return showing the proceedings adopted by the Commissioners of Woods and Forests, in relation thereto (Address the 6th of June).

County Cess (Ireland). — Return of the total amount levied in each county, &c. (ordered the 29th of April).

Dublin Pipe Water Rent. — Return of applications made to the Committee for Reduction of Pipe Water Rent (ordered the 29th of April).

Births, Deaths, and Marriages. — Copy of the First Annual Report of the Registrar General (by command).

Public Petitions Committee. — Thirtieth Report brought up, and read.

MISCELLANEOUS PETITIONS.

The following petitions were severally presented, and ordered to lie on the table; namely, —

Ballot, — By Mr. GROTE, in favour, — from Ryde; King's Lynn; Lancaster; Weobley; and Marlborough.

Southern Africa, — By Mr. GROTE, — of merchants and others interested in the prosperity and civilisation of Southern Africa, for the establishment and regulation of a colony at Natal.

Postage, — By Mr. HODGES, Mr. M. J.

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O'CONNELL, Mr. PATTISON, and SIR J. EDWARDS, for a low and uniform rate, — from John Thornton and others; New Ross; Staly Bridge; Newcastle upon Tyne; Gravesend; Newtown; Bridgend; and persons employed in the establishment of Deacon and Company, White-horse Inn, Cripplegate.

Lord's Day, — By Mr. EVANS and LORD GROSVENOR, for the better observance thereof, — from St. Alkmund, Derby; and Chester.

Corn Laws, — From Glamorgan, against repeal thereof.

Maynooth College, — By LORD VISCOUNT DUNGANNON, — From Quainton and other places, against further grant.

Church Establishment (Canada, &c.). — By Mr. KEMBLE and LORD STANLEY, for extension, — from Alton; deanery of Furness and Cartmel; and Peckham.

Municipal Corporations (Ireland) Bill, — By Mr. O'CONNELL, — from Culmullen, in favour.

Elective Franchise (Ireland), — By Mr. O'CONNELL, for equalisation, — from Mullihoran; Moynalty; and Rathmolyon.

Idolatry (India), — By LORD STANLEY, — from Belfast, for prohibiting the interference of British authorities in the management of idolatrous ceremonies.

Spirits (Ireland), — By Mr. ARCHBOLD, — from Kildare, for permitting grocers in Ireland to retail spirits.

Education, — By LORD VISCOUNT LOWTHER, VISCOUNT BARRINGTON, Mr. CODRINGTON, SIR W. YOUNG, Mr. PAKINGTON, and Mr. JACKSON, against the proposed scheme, — from Catmore; Peasemore; Petham; Waltham; Chartham; Hovingham; deanery of Westmorland; Farley Chamberlayne; Stow on the Wold; Fremington; Lenton; Chepping Wycombe; Paddington; Northenden; Exeter Hall; Egham; Welshpool; and Blyth.

By Mr. GROTE and SIR H. FLEETWOOD, in favour of the proposed scheme, — from Marlborough; and Preston.

By SIR R. INGLIS, SIR E. KNATCHBULL, and Mr. BUCK, for revoking the Order in Council appointing a committee to superintend the grants for education, — from Heavitree; Beckford and Ashton under Hill; St. Edmund the King and Martyr, and St. Nicholas Acons, London; Elmley Lovett; Stafford; Barnstaple; Pilton; and Exeter.

Metropolitan Police Courts Bill, — Of Thomas Marchant, and of Charles Augustine Smith and John Drake (presented 10th June), for compensation. — Referred to the committee of the whole House upon the Bill.

RETURNS.

Lady Michie's Charity. — On the motion of Mr. HARVEY, Address for —

Return of the amount of money received at the Colonial or other Government Office, under the name of Lady Michie's charity, and the application thereof.

Commissariat Department. — On the motion of Mr. HARVEY, Return ordered —

Stating the names of the principal clerk and chief clerk receiving the salaries of 900*l*. a-year and 600*l*., alluded to in the head of the Estimates for the Commissariat Department.

PRISONS BILL.

Third reading deferred till to-morrow.

METROPOLIS POLICE AND METROPOLITAN POLICE COURTS BILLS (ADVANCES OUT OF THE CONSOLIDATED FUND).

Committee thereupon deferred till to-morrow.

COPYRIGHT BILL.

Committee deferred till to-morrow.

SUPPLY — NATIONAL EDUCATION.

Order read for resuming adjourned debate on amendment proposed to be made to motion (14th of June).

Mr. D'ISRAELI. — After the able speeches which have been already delivered, I am afraid I shall find a difficulty in recalling the attention of the House to the important question before it. I feel, too, that the disadvantages under which I always labour in addressing the House are increased, in the present instance, by following in the train of those who, on both sides of the House, have treated this subject with singular temper and ability.

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But the great interest which I have always taken in this question, and the sincere conviction which I entertain that the determination to which this House may come must have a vast and incalculable influence on the character of the people, and, indeed, on the prospects of the country, have induced—nay, have almost compelled—me, to trespass upon the patience of the House. The Honourable Member for Waterford, in the able and temperate speech with which he last night opened this debate, laid it down as an indisputable proposition that the only efficient settlement of this great question will be by placing the education of the people in the hands of the state, by means of what he termed central organisation. The simple meaning of his speech, certainly, was, that education should be carried on under the superintendence, the interference, and the control of the state. I admit that this theory is specious; but I doubt whether it is authorised and supported by facts, and whether it is consonant with the experience of this country. I find this theory in the writings, as well as the speeches, of the Honourable Gentleman, and likewise in the papers of the society of which he is president; but when I come to examine into facts, I find that education does not owe much to the interference of the state. It appears to me that the state has done little or nothing, and that nearly all that has been done has been effected by public aid, and by individual enterprise. It has been remarked by a foreign writer, that the state in this country has not formed a single road, built a single bridge, or dug a single canal. The statesmen who preceded the present generation always acted on a system diametrically opposed to that of the Honourable Gentleman opposite:—they always held that society should be strong, and the state weak; and that to diminish the duties of the citizen was to peril the rights of the subject. To this principle do I ascribe the realisation, in this country, of the two greatest blessings of social life,—liberty and order. A despotic government may insure order; a republic may afford liberty: but the combination of liberty and of order—order not disturbed by national injustice, and liberty not disturbed by popular outrage—has been realised in England alone. I take it for granted that the Honourable Gentleman, the President of the Central Society of Education,—ready to do justice to the character of the people of this country,—will acknowledge that independence, self-reliance, caution, and enterprise form their chief characteristics.

I ask, then, to what is to be ascribed this quality of happy social order, except to that system of self-government which has always characterised England? It therefore becomes the House well to consider what effect a system of centralisation would have on the habits of the people of England. It seems to me, that the Central Society of Education, and that school of philosophers which is distinguished by great activity and great intelligence, are, with all their vaunted philosophy, learning, and enlightenment, fast returning to that system of society which is an indication of a barbarous age, but which has gained for itself the epithet of "paternal." Wherever we find a paternal government, we find a state education. The best way to insure implicit obedience is to commence tyranny in the nursery. There is a country in which education is the only qualification for office,—a country which will square with all the notions of the Honourable Gentleman, the President of the Central Society of Education,—which may be a kind of normal school or perfect pattern for this country; and that country is—China. Indeed, paternal governments are to be found in the East rather than in the West; they exist in countries where the rule is arbitrary, rather than in countries where there are free institutions. If the Honourable Gentleman, the President of the Central Society, were to ask me for the most perfect *programme* of national education,—if he were to ask me to point out a system at once the most profound, the most liberal, and the most comprehensive,—I would give the Honourable Gentleman for answer, the system at present prevalent in Persia. If we leave China and Persia, and come to Europe, where do we find the most perfect systems of national education? Why, under the paternal government of Austria,—the China of Europe; and under the paternal government of Prussia,—the equivalent of Persia. Where everything is left to the Government, the subject must become a machine. I oppose the system to which the proposition of the Noble Lord leads, therefore, on account of its tendency to injure our national character. The President of the Central Society for Education, and the school of philosophers to which he belongs, believe that the highest central organisation may yet be combined with the freest political institutions; but it is a fallacy to suppose—though it be one which has found a sanction in the writings of the Abbé Sieyes, in France—that all virtue is owing to political institutions, and none to national character. I hold it to be an indisputable truth, that the freest political institutions may exist in a country in which the people are en-

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slaved. We may have a Parliament freely chosen; but if the electors be corrupt, that Parliament can exercise — as such a Parliament has exercised — a most grinding tyranny. I will take the instance of trial by jury, — the great bulwark of our liberties, the great guarantee of our rights. Of what use would that great and glorious institution be, where the twelve jurymen were base men? There have been times when the trial by jury was infinitely worse than the Inquisition in its darkest days. We had trial by jury in the same age with Titus Oates. I will take a period, distant, yet not very remote — not the age of bigoted barbarians, — by which name the Honourable Member for Liskeard designated the councillors of the conqueror of Agincourt, — but a period which produced men who were enlightened in every sense, — men who might well be called English worthies; — I will take the age which produced Pym and Hampden, Selden and Wentworth, — those truly English spirits: yet who would suppose that the Parliament, which was adorned by such men, could, in less than a quarter of a century, have sunk into the most degraded and most ignoble tyranny which ever sported with the destinies of a great country? But what took place during that time? The national spirit was destroyed; a great system of central organisation was established in the realm; the people had free institutions; — but their rights as subjects were destroyed. I know I shall be told that these observations are too general. I know the reluctance with which Honourable Members go back to first principles. We are practical men; but practical men, looking to the experience of the last ten or twelve years, — practical men in an age of revolution.

With respect to the state of education among the people of this country, there are many circumstances of a complicated character which must be taken into consideration before a decided opinion can be pronounced upon the subject; and we should recollect, that although the general state of education may not at present be all that we can desire, still that it may be as much advanced and improved in a quarter of a century as can possibly be effected by human means. But the question is not, whether the state of education be good or bad? but, to what power it shall be intrusted? We are not called upon to decide whether education shall be orthodox or latitudinarian, highly spiritual or purely moral? but, — "whose shall be the hands to which it shall be confided?" I am an advocate for national education; but it does not follow that I must also be an advocate for state education. There is a great distinction between the two. The object of the speech of the Noble Lord the Member for North Lancashire seems to me to be, to point out the necessity for national education, and to show that it ought not to be intrusted to the state. The Honourable and Learned Member for Liskeard, whom I regret not to see in his place, has detected a very covert meaning in the speech of the Noble Lord; but I am sure that it must have required the exercise of all that diplomatic experience which the Honourable and Learned Gentleman has so recently acquired, to discover any sinister or subterraneous meaning in that speech. I listened to the speech of the Honourable and Learned Gentleman, myself, in the hope, if not of being instructed, of being at least amused, and I have often been both instructed and amused by him; but, in this instance, I could not discover what connection the speech of the Honourable and Learned Gentleman had with the question before the House. I confess I was at a loss, for some time, to discover the object in view, until, at last, it appeared that the Honourable and Learned Gentleman was desirous of raising a "No Popery" cry. I trust, however, that that cry will not be responded to; and I have such confidence in the tolerant spirit of the House, that I am sure the attempt of the Honourable and Learned Gentleman will not be allowed to disturb the calmness and moderation which have hitherto signalised the discussion of this most important subject. There is one point — second to none in importance, but surrounded with the greatest difficulty — on which I wish to make a few observations; — I mean the religious relations connected with this scheme for the establishment of a system of national education.

The Noble Lord the Member for Dorsetshire has laid it down that the system of education brought forward by the Government must, if adopted, terminate in a state of national infidelity. I do not share in the apprehensions of the Noble Lord. I believe that the minds of the people of this country are not prepared for the seeds of infidelity, and that all the feelings of the human heart are opposed to such scepticism. I believe it probable that, by the united efforts of sectarians, the national church might be endangered, or, perhaps, destroyed; but I am sure that, in England, infidelity would not be the result; and that we should rather see reproduced a state of things similar to that which arose in the 17th century. In England, I believe, we are more likely

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to see the wildness of fanaticism than the rise of infidelity. I believe we are more likely to see, in this country, the violence, for a moment, of contending sects; — that we are much more likely to behold the rise of a new race of Fifth Monarchy men and the domination of the Saints; and that there is much more chance of having, for the nonce, the fury and violence of contending sects, as in the time of the Commonwealth, than the general spread of miserable, cold, and restless infidelity. The feelings of the people of this country are repugnant to infidelity; and although they might be led away, for a moment, from the faith of their fathers, and from the church where they had been wont to congregate, — although they might, for a time, yield to the influence of fanaticism, and absent themselves from devotion, — such a state of things would remain but for a moment, and they would soon again feel the necessity, and long for the consolation, of worship. That which is more likely to occur than general infidelity, would be, that when the moment of fanaticism and anarchy had passed away, the people of England would feel the want of that solace which religion alone affords, and that they would require, again, some standard of faith, and the establishment of some church distinguished by the learning and piety of its clergy and consecrated by charity. It would, then, become a question, to what church would they, in that moment, refer? — with what church would they seek to connect themselves? We cannot conceal from ourselves that the Church of England, under such circumstances, would be placed in a very different position, with regard to its rival, Rome, from that which it held in the 17th century. The Church of Rome — that church which appeals so strongly to the imagination and to the feeling of mankind, — whose priests are so distinguished by their learning and eloquence, — which is no longer kept down by those restraints by which she was fettered in former days, — which is enthusiastically supported by millions in a neighbouring country — has much more chance to rise predominant and supreme under the scheme of education advocated by the Central Board, and adopted by the Government, than that the inference which the Noble Lord the Member for Dorsetshire has drawn should be realised. The Church of Rome has the advantage of being able to appeal to unrivalled antiquity; and appealing, also, strongly to the feelings and imaginations of men, there is a much greater chance that an ignorant and distracted people would seek to escape from anarchy by uniting themselves to such a church, practising charity, than by listening to preachers whose doctrines bring no consolation, and whose promises offer no joy. If, unfortunately, such a moment of confusion should arise, and should the people again seek a return to peace, they would, in that hour, revert to the church of their fathers, or to the Church of Rome. In such a period, you must either revive the national church, or restore that which prevails throughout the greatest part of Christendom. The choice of the people would, in such a period, be the Church of England or the Roman Church; but they would not plunge into infidelity, which is abhorrent to their nature, and at variance with all the better feelings of the human heart.

It may be asked, however, whether we ought, from the fear of realising such a state of things, to prevent the spread of education, and neglect the moral and religious instruction of the people? But the real question is, has education been so neglected as Honourable Gentlemen opposite wish us to suppose? The Honourable Gentleman the Member for Liskeard, last night, furnished us with a picture of cellar life in the great manufacturing towns, and described the people inhabiting those cellars as being in a state of semi-barbarity, and as being ignorant almost to the verge of brutality. The Honourable Gentleman inferred the neglect of education from the condition of those unfortunate persons. But was that inference correct? No: their condition in these cellars is not the consequence of the neglect of education; but it results from the peculiar circumstances which, in every manufacturing country, arise out of the vicissitudes to which trade is subject. But when the Honourable Gentleman pourtrayed the condition of those people, he forgot to make any allusion to the cellar schools; — he did not think proper to call the attention of the House to the fact, that, in those cellars, schools had been established; although, for their own purposes, the society over which the Honourable Gentleman presided had, on more than one occasion, brought those schools before the notice of the public. We have seen described one of those cellar schools in Manchester; and the picture presented to us has been held out as an instance of the miserable want of instruction which prevails in the manufacturing towns, and as a proof of the necessity for a system of state education. But from those schools I draw a very

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different inference. I look on the existence of these cellar schools as an evidence that the seeds of education have been widely sown, and that they will speedily fructify and become general. It is a fact, which none could have anticipated fifty, or even twenty-five years ago, that, in the cellars of Manchester, schools should be established; and that fact, so far from showing that education has been neglected by the church, indicates, in the clearest and most satisfactory manner, that a strong and unconquerable desire for education has been infused into the minds of the people; while it proves, almost to demonstration, that the seed which has been so widely sown will soon spring up to maturity. The Honourable Gentleman the Member for Waterford has said that the church has been tried and found wanting; but why did not the Honourable Gentleman take any notice of the arguments which had been adduced to prove the failings of the state? The arguments brought forward against the church told as strongly against the state. If the church has done nothing, what, I would ask, has the state done, for the education of the people? The Honourable Gentleman, when he left the manufacturing towns, took us into the rural districts, and detailed to us, as an instance of the neglect of education by the clergy, the outbreak which occurred in the county of Kent, eighteen months ago. Now, if I were called upon to adduce an instance in favour of parochial supervision, and of the excellence of the church as a vehicle of instruction, I would go to the very place mentioned by the Honourable Gentleman, in order to prove the value of the efforts of the clergy for the improvement of the moral and spiritual condition of the people. It is a remarkable fact, that the spot where the outbreak took place is extraparochial; and, from my own knowledge, I can state — for the scene of the unfortunate occurrence is in the vicinity of the town which I have the honour to represent — that the people are in a condition little removed from barbarism. It is a wild woodland district, peopled by inhabitants in the rudest state of society,—wild in their manners, — unsocial in their bearing, — setting the law at defiance, — and so profoundly ignorant as to be only entitled to be considered as a species of "squatters," carefully shunning all civilised humanity. Such places are not common in Kent; but we might, notwithstanding, find districts of a similar character in almost every county of England. Now, such is the place which has so often been described as the garden of England — as a rich luxurious rectory, slumbering under the shade of Canterbury spires.

[Cries of "Hear, hear, hear!"]

I do not say that the Honourable Gentleman the Member for Waterford was cognizant of the real facts of the case; and I only allude to the subject to show how carelessly, and with how little knowledge of the truth, statements might be, and often are, made; and how, what are adadvanced as facts in illustration of any position may be made the basis of a contrary argument. I believe the great object which every English statesman ought to have in view, is — to encourage the habit of self-government amongst the people; and it is because I consider the proposition which has been submitted to our consideration as hostile to the acquisition of those habits, that I oppose the scheme of the Noble Lord. I believe that it is an axiom in civil policy, that, in exact proportion as we curtail the duties of citizens, we peril the rights of subjects; and I believe we have done that, already, to some extent. We have already had recourse to a system of central organisation; and what has that system not produced? and what may it not yet produce? Let us remember, that the same system which tyrannised in the nursery under the pretence of education, may again make its appearance, and immure old age within hated walls, under the specious plea of affording relief. It is always the state, and never society; — always machinery, never sympathy. By our system of state education, all would be thrown into the same mint, and all would come out with the same impress and superscription. We may have a bloated mechanical prosperity; we may make money, — we may make railroads; but when the age of passion comes,—when those interests are in motion, and those feelings stirring, which will shake society to its centre,—then we shall see what will become of the votaries of state education! We shall then see whether the people have received the same sort of education which was advocated and supported so nobly by William of Wykeham, — by him who built schools, and founded and endowed colleges. Who, I would ask, built our universities? Did they spring from a "system of central organisation?" Who built our colleges, churches, and cathedrals? Do we owe them to a scheme of "centralisation" propounded and supported by the state? No; other principles actuated the men of former days:

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and let us look abroad on England, and witness the result. Where shall we find a country more elevated in the social scale? Where, a people more distinguished for all that is excellent in the human character? The time will come, if you persist in your present course, when you will find that you have revolutionised the English character; and, when that is effected, you can no longer expect English achievements.

For these reasons, and because I believe that the system of education which the proposition of the Noble Lord goes to establish is alien to the habits and contrary to the genius of the people of this country, I shall oppose, to the utmost of my power, this rash attempt to centralise instruction. But, independently of these reasons, I object to the form in which the proposition made by the Noble Lord has been brought before us. The subject is one of the gravest interest, — leading, if adopted, to a great and important change; and, I would ask, is it decorous, on a matter of such moment, not to consult both branches of the Legislature? Is this House so superior in wisdom and knowledge, — so intimately acquainted with the state of the country — with the feelings, the wants, and the wishes of the people, — as to enable us to scorn the learning, the experience, the information, and the patriotism of the House of Lords? I will make no invidious comparisons; but the constitution tells me that the Lords and Commons are alike to be consulted in every change, affecting the welfare and happiness of the people, and the peace and prosperity of the country. On matters of minor importance, I do not contend for an appeal to both branches of the Legislature; but when the subject is one which has shaken and agitated society to its centre, and which has roused the passions of the people throughout the country, I must confess I am surprised that a proposition of such magnitude and importance should have been brought forward almost at the close of the Session, and in the languid months of summer. And how, too, has it been brought forward? Not directly, as it ought to have been, but indirectly, between a vote for the building of palace stables and a proposition for establishing a system of penny postage! Such is not the way in which a great national experiment ought to be introduced to the consideration of the Legislature. Then, again, it is said that this has been made a party question. I allow that it is extremely desirable that a subject of this character, and of such great importance, should not be dealt with as a party question; but the fault of its being so considered rests with those who have made it a stalking-horse for party purposes, and have brought it forward in a party spirit. If the discussion has assumed a party aspect, the fault is to be ascribed to the Government, who solicited support for their proposition from party considerations. This question has not been brought forward in a manner worthy of the Government of a great country. We ought to have come to the discussion of this proposition in a spirit of calmness and moderation, with a conviction that on it may depend results which all must fear What, then, have we in this case? We have the country in a state of provisional insurrection; and is it possible that our minds can be calm in the midst of the agitation which surrounds us? We saw, the other day, a document brought into this House, unparalleled in the history of Parliament; and that document so frightened us, that we broke through the rules of the House, and allowed the Honourable Gentleman who presented it to expatiate on the prayer of the petitioners. If you were not frightened, will Honourable Gentlemen opposite tell me why they did not perform their duty, and enforce the rules of the House in that case? The petition of upwards of a million and a half of the people is not to be despised; and, although Honourable Gentlemen opposite may disapprove the prayer of the petitioners, yet let them remember that we are, this night, to decide upon the education of those by whom it was signed. When, then, such is the grave and important issue which we have to decide, it certainly does not become us to act in the spirit of the Government, who brought forward this proposition, and to allow the discussion to degenerate into a mere party squabble.

[Cries of "No!"]

Well, then, let Gentlemen opposite, who dissent from me in opinion, vindicate the conduct of the Government, and prove that the manner in which this proposition has been submitted to our consideration has not been influenced by party considerations.

Mr. EWART. — Sir, I can assure the House that nothing but the very great interest I feel in this question could overcome my natural reluctance to address them. But I cannot conceal my surprise at the arguments of the Honourable Gentleman who has just sat down. If they are good for anything, they would go to restore society to a state of savage bar-

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barity. The Honourable Gentleman has gone so far as to express a qualified opinion in favour of the condition of the unfortunate persons inhabiting the cellars of Manchester. These people are in a state of almost barbarian ignorance; and yet the Honourable Gentleman has said that they are actuated by the sincerest desire for that education which he, notwithstanding, would refuse to extend to them. The Honourable Gentleman has certainly thrown out some very ingenious arguments in praise of what may be called a free trade in ignorance; and has contended that every person ought to be left to himself to procure education. That is a new doctrine. Will the Honourable Gentleman deny that a system of centralisation has before existed in England? What does the Honourable Gentleman say of our universities? Do they not afford an instance of the system of centralisation? Let him look at the inscriptions on their ancient walls, and then tell us what inference he can draw from those inscriptions, if it be not—that their founders intended to establish a central system of education? The Honourable Gentleman has spoken of railways; but does it follow that, though the formation of railways should be left to private speculators, education should also be left without the aid or interference of the state? Does not the Honourable Gentleman admit that it is necessary to centralise justice; and, by a parity of reasoning, is it not as necessary to centralise education? The Honourable Gentleman has adverted to China; and has said that, in that country, a centralised system of education has long existed, and that the officers of the Government are promoted, there, for their educational attainments. But is that an evil? On the contrary, I believe that, by such a system, democracy has found a vent, and the country has, so, been saved from those convulsions which have distracted the kingdoms of Europe. The same system has been adopted in Prussia; and I believe that it will one day be adopted, also, in England,—and that day, come when it may, will be a happy day for the people.

Sir, the Honourable Member will excuse me if I decline going further into his arguments; as, in my opinion, they were more distinguished for originality than for soundness. All the objections which have been urged against the proposition of the Government, resolve themselves into two classes. The first class of objections is directed against the Board of Education, which it is proposed to establish. The Noble Lord the Member for North Lancashire has asserted that this board will be an irresponsible and despotic body. But how can it be despotic, when it is subject to the supervision of Parliament? And how can it be called irresponsible, when its proceedings are annually to be brought under the consideration of this House? But, Sir, the Honourable Member for Kilmarnock objects to what he is pleased to call the despotism of the inspectors. The system of inspection has already been applied to prisons; and why should it not be to schools? Surely, no objection can be seriously urged against placing the schools under a vigilant system of inspection, when you, yourselves, will inspect the inspectors? The Noble Lord the Member for North Lancashire has quoted many obsolete authorities in support of his particular views; and he has said that education is *chose spirituelle*,—meaning, thereby, I suppose, that it is *chose ecclésiastique*. The object of the Noble Lord has been to prove, not that education is a thing connected with religion, so much as it was to show that it is a thing connected with the sectarianism of his own church; and therefore it was that the Noble Lord brought forward, as illustrative analogies, the dogmas of the church,—such as the baptism of infants, and the doctrine of the holy eucharist, and other matters peculiar to that church. The system of combined education without religious distinctions has been tried in Liverpool, and has succeeded. I will not trouble the House with complicated statistics on this point; but I will refer to the statements of a converted opponent to this scheme, who watched its progress in Liverpool, amongst a population of 200,000 persons. There are two great schools established in Liverpool under this system. The first is at the north end of the town, which was visited by the gentleman in question; and he put various questions to the master, who informed him that he was an Independent, and that he had two assistants,—one of whom was a member of the Church of England, and the other a Roman Catholic. The number of children was nearly 500, and consisted of members of different religious denominations; including members of the Church of England, Methodists, Baptists, Independents, Presbyterians, and Roman Catholics. The result of the observations made by this gentleman was so satisfactory to his own mind, that, from being an opponent, he became a friend to the system; and although the orthodox party at first raised an outcry against it,—and actually beset the children on the

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road, to such an extent that the police were called in, — yet, subsequently, the people were convinced that it was a most advantageous plan, and a general conviction prevailed that schools opened for all sects were public benefits. In the south end of the town the school is conducted by a master who is a member of the Church of Scotland, with two assistants, — one of whom is an Independent, and the other a member of the Church of England. The Gentleman from whose statements I quote found the school going on well. The number of children under instruction in it, and the several denominations, were as follow: — Of the Church of England, 294; Roman Catholics, 325; Church of Scotland, 12; Independents, 15; Baptists, 20; and Methodists, 48. Facts, then, prove the administration of education under a combined system to be quite practicable. The Noble Lord opposite (Lord Sandon) can contradict me in these facts, if they are unauthenticated. I believe that the object of the Noble Lord (Stanley) is to maintain the ascendancy of the state church. But I will tell the Noble Lord, and I do not care who knows it, that I am determined, in matters of education, to maintain the ascendancy of the state over the church. I think the time will come when that will be found to be the most constitutional doctrine, and one which it will be impossible to gainsay, without taking away the very bulwarks and foundation of our freedom. It is only by giving the state the opportunity of educating the people, and of throwing open the public institutions of the country for their benefit, that the people can become universally instructed. The public libraries, the public galleries of arts and sciences, and other public institutions for promoting knowledge, should be thrown open for the purpose of inducing men, merely by the use of their outward senses, to refine their habits, and to elevate their minds. Although something of this kind has been accomplished, much remains to be done. There remains to be achieved the complete education of the outward man; and I do not despair of its accomplishment any more than I do of the education of the inward man, notwithstanding the futile opposition of the Honourable Gentleman opposite. I hope to see the time when there shall be a system established for combining physical, intellectual, and religious education; and I think the day is not distant when Honourable Members opposite will regret the part they have taken on the present occasion. Of this I am sure, — that, whether or not the friends of popular education succeed in reclaiming or converting Honourable Gentlemen opposite, the adoption of such a system will be the glory of the age; and whatever may be the futurity of the present reign, the origin of this scheme of national education will be one of the brightest objects that distinguished and adorned its dawn.

Mr. PLUMPTRE. — I shall most cordially and conscientiously support the amendment of the Noble Lord the Member for North Lancashire. I think it most objectionable that a board of Privy Councillors should be intrusted with the arrangement of plans, and the distribution of funds, on a matter of such immense importance as national education. Such a board cannot be satisfactory either to the members of the established church, or to those who dissent from it. The established church has no security in the constitution of the board, that all or any of the members of that board are to be members of the established religion. Besides, even if they be, they may yet be as ignorant and unworthy sons of the church as her Majesty's present Prime Minister, who, it is well known, and will be well remembered, has declared, in another place, that he sees but little difference between the tenets of the Church of England and those of the Church of Rome.

[Loud cries of "Hear, hear!"]

Neither can this board be satisfactory to the Dissenters of this country; for, whatever the present proposed board may be, if once the precedent of such a board be established, we may have a board, on some future occasion, of the most exclusive character, confining its benefits, perhaps, to the Church of England — or, it may be, even to the Church of Rome. I do maintain, therefore, that such a board cannot prove really and permanently satisfactory to any class of persons. Again, I must say, that I am strongly of opinion that any original grant on such an important subject as national education should be voted by Bill, and not by a single vote of the House of Commons. The question should be fully and fairly discussed in both Houses of Parliament, through those different stages to which a Bill, in its progress through Parliament, is so wisely and properly subjected. I may be told that sums for similar purposes have been already granted, in a similar way; and the grant to Maynooth College, and that for education in Ireland, may, perhaps, be men-

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tioned as analogous grants. If this be so — (I am not sure how this may be) — if, however, it be so, I can only say, "more is the pity!" Neither of them, perhaps, would have been made, if they had gone through the proper trial and discussion. We are taunted, on my side of the House, as uncharitable, because it is said, by Honourable Members on the other side, that we are willing to avail ourselves of Roman Catholic sinews, and of Unitarian gold, ——

[Loud cries of "Hear, hear!" from the Ministerial benches.]

—and yet we refuse to give instruction to Roman Catholics and Socinians according to their own respective views and versions of the Scriptures. It does appear to me, that they who thus charge us, charge us most unjustly, and reason most illogically. All who will avail themselves of such benefits and privileges as we believe to be derivable from residing in this country, must obey the laws of this country, and contribute their share to its taxes. But if I am to be told that they who contribute to the taxes have a right to appeal to the Government, and call upon it to support them in any of their political schemes, however wild, or in any of their religious opinions, however heretical, I must reply, that I could never accede to such a doctrine. I should, by assenting to it, be opening the door, at once, to absolute anarchy in politics, and to destructive errors in religion. Much, also, has been said, on the other side of the House, against Members on this side presuming to judge others. Who wishes or takes upon himself to do so? Not I, for one. But, at all events, I suppose it will be granted to me, that we have a right to form our own opinions; and I will say that, if we were wise, we should seek to form them aright on the most momentous subjects, and we should seek to form them from true and legitimate sources. And if we do form them, and others, differing from us, plainly tell us, that they differ, are we to stultify ourselves and say, "Well, then, you are right, and we are wrong?" Sir, I know of no law, human or divine, — I know of no common sense or reason, — that bids us so to do. I will say, rather, that if the man who, for instance, denies the divinity of the Saviour, tells me that he does thus deny the very foundation of the Christian's faith, I shall grieve for him, and tell him my opinion, and my fear that, continuing of this mind, he would be holding a most pernicious and fatal error. If the Roman Catholic tells me [that he believes in the doctrine of transubstantiation, and in the efficacy of prayers and masses for the dead, — if he tells me that he holds the doctrine of purgatory] — that he thinks himself at liberty to put tradition on a level with the word of God, and to invoke saints and angels, — I will fairly tell him, in reply, that I believe these to be anti-Christian opinions; and that I am sorry for the man who holds all or any of these, and who teaches them to others, — whether he happen to live at home, or at Maynooth, or at Oxford.

[Cries of "Hear, hear!" from both sides of the House.]

And if either of these men were to ask me to support him in his errors, and to enable him to train up others in the reception of them, I should decline to do so, in faithfulness to my own conscience, and by no means out of any want of real charity to those whose wishes I refused to accede to. I believe Christianity to be the glory and security of the country; but not the vague and wild and undefined Christianity of those who would put the Socinian infidel, the blaspheming Jew, the sensual Turk, the self-righteous Pharisee, the cold-hearted formalist, and the error-holding Romanist on the same level with the humble and adoring believer in the Son of God. True Christianity is of a different stamp — formed by the Spirit and the word of God. I am thankful to believe that such Christianity is increasing in this country; it is my best and only sure hope for the country, amidst much that is dark and lowering in the aspect of its affairs, both at home and abroad. Such Christianity it was that rejected the first scheme for national education; and I trust it will be equally successful against that which is now under consideration.

SIR G. STAUNTON. — Sir, as I stand in rather a peculiar position, I am anxious to say a few words in explanation of the vote I am about to give. I feel that, whatever side I take, I shall be subject to misrepresentation; and therefore I can bear with perfect resignation any taunt or obloquy which may attach to the course of conduct I purpose to pursue. I may truly say that I have always been a warm friend to religious education, and have ever been desirous that it should be ex-

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tended to every class and denomination in the country; nor have I ever felt it to be inconsistent with my religious duty to contribute as a private individual what assistance I could to the Roman Catholics and Dissenters for the promotion of those objects; for I have ever felt that I ought not to suffer my attachment to my own peculiar religious faith to make me forget that those classes are linked and joined together by our common Christianity. With these views I cordially supported the foundation of the London University, because it afforded to Dissenters the highest education, and enabled the Legislature to leave Oxford and Cambridge intact and unaltered. I give her Majesty's Government every credit for coming forward with a plan of national education; but still the plan proposed differs to a great extent from the mode of education now pursued by the established church; it places the direction and superintendence in a lay and political board, at which no member of the church is to sit; and I cannot think that conformists and nonconformists can be safely educated together. Therefore it is impossible I can support this plan. I regret that the matter has been taken up as a party question; but, for myself, I would say, that though approving generally of the policy of her Majesty's Government, and thinking that, so far from promoting revolution, that policy has a tendency to prevent it; still, on a question of religion, I cannot consent to any compromise, and therefore, with pain, I shall be obliged to vote in favour of the amendment.

Mr. G. KNIGHT. — Sir, my purpose, in rising, is not to answer the speech of the Honourable Baronet who has just sat down, but to express my entire concurrence in the statement he has made. He will, I trust, forgive me for saying that the sentiments he has expressed do him the highest credit; and that I trust so good an example as he has set, will be followed by many others on the same side of the House. I cannot but complain of the manner in which the plan first brought forward by the Noble Lord the Secretary for the Home Department was first abandoned, and then renewed. By that course the country has been deceived; but now that it is known the scheme is to be persevered in, the more strongly and the more generally will it be opposed. I had an evidence of the way in which the country has been deceived this very day. I received a petition, which would not have been sent up, had I not written to the place from whence it came, informing the petitioners that the ministerial plan was not abandoned. I do not accuse the Noble Lord of wilfully taking the opponents of his plan by surprise; but, certainly, whether by accident or design, the country has been deceived. The opponents of the scheme in this House have been most unjustly taunted and charged with being the enemies of national education; as if the question were — education or no education. Such is not the case. We are not opposed to national education; but we are opposed to the Government plan. The Honourable Member for Lambeth has fairly and candidly stated that this is a struggle between the church and the Dissenters, and that as long as the Government forward such measures as the present, they will be entitled to, and receive, the support of the Radicals. But how can the struggle be justified? If we compare the numbers of the Dissenters with those of the Church of England, we shall find that the latter has a right to maintain her superiority. By a Report of the Statistical Society, it appears that the Dissenters are about 2,000,000 out of 16,000,000, and consequently stand in a minority of one to eight to the established church; and that being the case, they have no right to assert an equality with the church, even on pecuniary grounds. But with respect to the scheme itself, and the proposed mode of education, I must say that schools so conducted would reduce the Church of England to the level of the Church of Johanna Southcote. What would be the state of those schools? The teachers would assemble, of all classes, with a bearded Rabbi at their head; in one corner of the school there must be a little holy water for the Roman Catholics; in another a bath for plenary immersion for the Baptists; and religion, philosophy, reading, writing, and arithmetic, would be all mixed higgledy-piggledy together; and I am afraid, that when the children would become adults, they would contrive to dispense with religion altogether. It is true there is to be the superintendence of a board of four Privy Councillors; but in my judgment the effect of the appointment of that board is to proclaim to the people of England that the clergy of their church are no longer worthy of taking a part in the education of the children of that church. It would be a fluctuating and dependent board, whereas it ought to be an independent and a permanent body. On all these grounds I feel bound to support the amendment of the Noble Lord the Member for North Lancashire.

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Mr. GIBSON. — Sir, the Honourable Baronet opposite, when he observed that in the Committee of the Privy Council there was no member of the church, seemed to draw a very singular distinction between the church and the clergy. The Articles tell me, that the church consists of the congregation of the faithful; and I cannot bring myself to suppose that four members of the church — for such, I believe, are the four members of the Privy Council Committee — would be hostile to the church, because they are not clergymen. I must also protest against one doctrine laid down by the Noble Lord the Member for North Lancashire, — that the schoolmaster of the Churchman's children ought, with regard to their religious education, to be under the regulation of the Ordinary. From this principle I wholly differ. I think the present duties of the Ordinary are quite extensive enough, without imposing an additional burden upon him; and, in the present state of religious feeling throughout the country, — and I speak with all respect when I assert that, — I should as soon think of putting the Ordinary under the schoolmaster, as the schoolmaster under the Ordinary. I am of opinion that the schoolmaster should, in all matters relating to the secular education of the children, be quite independent of all church influence, even though the children should be Churchmen's children. In these days, when so many sects are springing up even in the church itself, — when we hear daily of Evangelists, of Puseyites, and of those whom the former choose to designate as world-seeking Churchmen, — the office of the schoolmaster will be liable to be interfered with in the most unpleasant manner by the clergyman of the parish. The doctrine which the Noble Lord attempted to set up sounded very like infallibility; and I can tell the Noble Lord, that if once infallibility were set up as the guide for the people of England, it would be very doubtful whether they would not take the infallibility of Rome in preference to the infallibility of Oxford. For, be it remembered, the infallibility of Oxford is of comparatively recent date, while that of Rome has, at least, prescription in its favour. The Honourable Gentleman the Member for Somersetshire has also propounded that which I am compelled to differ from. The Honourable Member has stated that the working classes of this country are dissatisfied, because they have not enough of religious education for their children in the various schools established by the societies. My own experience does not by any means confirm that statement. On the contrary, to my knowledge, the working men complain that in these national schools nothing but religion is taught. They say, "Why cannot we teach our children religion ourselves, or send them to church on Sundays, and send them to these schools to learn something that will be useful in this world, such as reading, writing, and arithmetic?" So far from useful practical knowledge being conveyed in many parishes with which I am acquainted, nothing is taught at these schools but strange outlandish texts from the Old Testament, — in fact, nothing that can be of use, either in this world or the next. They are not taught their duties to God and man — to be honest and lowly and forbearing; they are not taught their duty to their neighbour; but they are taught a great deal about Moab, and the names of mountains in the Old and New Testament, and about the offices of angels. In fact, a variety of knowledge is conveyed to those children on subjects upon which, if similar questions were put to the Honourable Baronet the Member for the University of Oxford himself, I verily believe that the Honourable Baronet would be unable to reply.

But I really must say that I think all such questions as these are quite foreign the functions of this House. The Honourable Gentleman the Member for Somersetshire very judiciously observed that he thought the House of Commons a very unfit place for theological controversy. In this sentiment I entirely concur. I wish the House could see that we have to look to the maintenance of man's civil rights without reference to his religious opinions; that we ought to look at the subjects of this country as men, and not as separated into different religious sects. But, at the same time, I do not see how the Honourable Gentleman can reconcile that, his declared opinion, with the course he has taken on this question; because, if this House assume the right to interfere with the religious opinions of men, how can we avoid theological discussions? Such discussions may be all very well in proper places; but when I am called upon in the House of Commons to give my assent to a system of national education, to be paid for out of the public purse, I feel myself bound to see that neither the established church, nor any other religious society whatever, be enabled to put upon the grant of the House any restrictions which may have the effect of excluding any person from the civil advantages of secular knowledge. I understand liberty of education to mean that it shall be open to all sects, — to the Roman Catholic, to

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the Unitarian, to the Jew, or any other class of British subjects. I hold the meaning of liberty of education to be, that any man shall have the right to send his child to the National School, to avail himself of those civil advantages which are placed within his reach by the civil government of his country, and to have his child taught such peculiar religious tenets as he may think right, — of course provided the exercise of such a privilege involves no interference with the rights of others. Unless you separate religion from secular instruction, it will not be possible to make education general. Each man may wish to have both combined for the instruction of children; but it is clear to me that they must be separated in the national schools, if it be intended that they shall be general. If each class be anxious to give religious instruction, let them do so; but do not let them interfere with the secular teaching that is to be conferred in these schools. This, in my mind, is liberty of education. The Noble Lord the Member for North Lancashire, however, says, virtually, by the course that he proposes to pursue, "Let us set up a monopoly for the church, and the Dissenters, if they please, may set up another." I therefore say that the education which the Noble Lord proposes is not liberty of education, but liberty to set up two monopolies of education. But this is not the system from which British subjects can derive corresponding advantages, as from a general plan, under which there would be liberty of education.

The Honourable Gentleman who spoke last alluded to the general instruction that was proposed to be given in the normal school, alluded to in the first minute of the Privy Council on this subject. I am aware that there are many objections to the system of general religious instruction which is referred to in this document; but the objections to it are not that it does not teach religion, but that it does not involve instruction in sectarianism. Most impartial men believe that there is a very wide neutral ground in the Christian religion, comprehending all the main principles of Christianity; and instruction in them may be considered as general religious instruction. Every man, however, must be aware that all sects seem to be anxious for the promulgation of their respective differences in their peculiar religious doctrines. Instead, therefore, of Christian ministers drawing attention to the important points on which they agree, they always direct it to the differences that exist. That distinguished philosopher, Mr. Locke, said, that sectarian teachers always endeavour to persuade their followers that the maintenance of every doctrine of the sect is of essential importance; and by this means they lose sight of the great and immense points of argument. I admit that it is a dangerous experiment to propose to maintain religious instruction in the national schools; for by this means we have raised a religious outcry throughout the country against their plan. There is a very appropriate expression on this point, which has been used by a certain reverend pamphleteer, who applies the term "fool-ometer" in reference to the proposal to teach the general doctrines of the church in their schools.

[Cries of "Hear, hear!" and laughter.]

But, Sir, I was much surprised to find that a man of such high character and attainments as Lord Abinger should have used language which went to the extent of declaring that we should not give instruction to persons who were not members of the establishment. I repeat, this much surprised me, as coming from one who is a judge of the land, and who goes to the extent of asserting that if we cannot give them instruction in the doctrines of the church, we should not communicate to them any knowledge at all. I recollect when Lord Abinger was engaged in a controversy with Mr. Cunningham, of Harrow; and from what then took place, I had thought that such an impression had been made on the Noble Lord as to make him aware of the difficulties naturally attendant on getting into a controversy on general points. I should have thought that the Noble and Learned Lord would have stated that it would be unwise to take up matters of religious difference on general grounds. I do not think that any case has been made out to justify us in calling upon the Government completely to rescind the Order in Council. It is probable that the chief objection is directed against those who have been nominated on the committee to superintend the carrying out of the plan; but it appears to me to be composed of four gentlemen, as competent as any others to carry into effect a general system of education. I may be told that they are four Whigs; and no doubt this is a strong objection in the minds of many; but, believing, as I do, that they are as competent as any others that could be nominated, and finding them, also, all members of the church, I do not object to their appointment; and I confess that I do not

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understand the grounds of the outcry that has been raised amongst them. I think, therefore, that no case has been made out to justify such a very hostile proposition as that of the Noble Lord the Member for North Lancashire. Although I have been supported and voted for as a Conservative, I at all times declared to my constituents that I should always support any plan of general education on the principles of religious liberty. I can agree to a general system of education on no other principles than those I have heard propounded; unless, indeed, that in the schools we establish we consent to sever religious from secular instruction, and allow all those who desire it to absent themselves during the periods of religious instruction. By this means we should allow Jews, Roman Catholics, and other sects, the full benefit of secular instruction, without forcing upon them instruction in any peculiar religious doctrines or points. I protest against the doctrines laid down by the Noble Lord the Member for North Lancashire, and for the illustration of which he refers us back to the dark ages, and quotes a writer of the reign of Henry IV., endeavouring to support his opinion by the later authority of Chief Justice Holt. He referred to the church, as if the church had the sole and exclusive right to take possession of the minds of the children in this realm, and as if it were entitled to the monopoly of education. I, for one, cannot concur in such a doctrine, nor can I conceive on what grounds you talk of the children of "the church." Does the Noble Lord recollect the opinion of Mr. Locke on this subject, who said children could not properly be called members of the church, if they had not formed opinions on its doctrines; unless, indeed, they belonged to the church by descent, as lands might belong to us by inheritance. Such a principle as this has not been broached since the period of the Reformation; and I cannot help observing that it appears to me that Honourable Gentlemen, in their anxiety to put forth objections, completely forget and lose sight of the genuine principles of the Reformation. It seems as if they would set up, and manifest more strongly, their hatred to Popery in proportion as they approximate to it more closely. It is the opinion of some philosophers, that the antipathy of religious sects is greater in proportion as they approach to each other. I repeat that I do not like the proposal to mix up secular with religious instruction; and I confess that I do not see how religion can be blended with it. When religion is taught, it should be by those who devote themselves to it, and not merely by mixing it up with secular instruction. What necessity can there be for us to mix up religious instruction with the teaching of arithmetic, or mathematics, or geography? I have little doubt but that, in some of the schools that have been so much alluded to as imparting religious instruction, in the minds of children we should find the teaching of multiplication mixed up with the doctrine of justification by faith.

[Cries of "Oh, oh!"]

I contend that this is not an extravagant opinion. I have seen some of the effects of mixing up religious instruction in many schools; and I am satisfied that no attempt of the kind can answer the expectations that are entertained on the subject. I have seen, for instance, an attempt made to impart religious instruction together with a knowledge of the alphabet; and as an example I may cite the following:—

A stands for Angel, who praises the Lord;
B stands for Bible, that teaches God's word;
C stands for Church, to which righteous men go;
D stands for Devil, the cause of all woe.

[Laughter.]

This is an admirable specimen of an attempt to promote this kind of "combined education." I will not trespass further on the attention of the House; but will merely add, that, on the several grounds which I have stated, I shall oppose the motion of the Noble Lord.

SIR HARRY VERNEY.—I have long foreseen the obstacles that would be thrown in the way of any attempt to introduce a general system of national education; and I thank the Government for exposing themselves to the difficulties, the odium, and all the various jealousies which such a subject is sure to call forth. I think that the proposition of the Noble Lord the Member for North Lancashire is a most unfair mode of attacking the Government plan of education. Nothing, in my mind, is so unfair as this proceeding on the promulgation of the general plan of education announced to us, and this endeavour to excite an outcry that the object in view is to make an attack on the church. If the object of this plan had been to make any attack on the church, it would have met with my most strenuous resistance; but I deny that such is the case, or that there is anything in it that can justify such an imputation. For

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my own part, I consider the sum now asked for as a great deal too small; and I shall be glad to see the Right Honourable the Chancellor of the Exchequer again endeavour to carry into effect the plan of education proposed by him when the question of church rates was under discussion, and — by means of the enormous increase which the property of the church will receive under that plan — to provide a more adequate fund for the purposes of general education. I am convinced that it would be found very difficult to draw the children of the lower classes to schools founded exclusively on Church of England principles. I do not believe that if a school were founded in every parish throughout the country, and placed under the management of the clergyman, the Dissenters would ever send their children to such a school; on the contrary, such schools would be regarded with the utmost jealousy. I speak from experience on this point, for I have many opportunities of seeing the working of such schools in agricultural districts, — and regret that this is the case; but it would be most objectionable to conceal or disguise the truth on the subject. I trust that the Government will not be induced, by any consideration, to give up that part of the plan which relates to the superintendence of the schools, which, in my mind, is one of the best features of the system. There are, at present, very large masses of the population in the lowest state of ignorance, and in a condition most dangerous to society; and therefore I think that the Government deserve the sincere thanks of all friends to improvement for the attempts they are making to remedy the evils which exist, and which, if not timely prevented from increasing, may be attended with fatal consequences to the welfare of this country. I have watched the proceedings that have taken place on this subject with some degree of jealousy, and I see nothing which can justify any alarm in the minds of the most zealous friends of the church; on the contrary, I conceive much benefit would result to the church from the spread of general and religious instruction. Under these circumstances, I feel it to be my duty to give the proposal of the Government my cordial support.

SIR R. H. INGLIS. — I will commence by saying a few words with regard to what has fallen from the Honourable Member for Ipswich, whom I do not see in his place, but in another place from that, whence the speech of that Honourable Member would have come with more propriety. It was from that side of the House where the Honourable Member is now sitting, that those loud and long cheers proceeded, with which the Honourable Member was greeted, and which must have been very gratifying to him, especially when he saw how vehement a part was taken in them by the Honourable and Learned Member for Dublin. The Honourable Member for Ipswich has alluded so pointedly to me, that I regret that a moment's interval should have elapsed before I rose to reply to that Honourable Member, and to the charges of ignorance and bigotry which the Honourable Member has permitted himself to bring against me, and the church to which the Honourable Member himself belongs. As to the rhymes quoted by the Honourable Member, I do not think it necessary to say anything further than that they are lines commonly used in infant schools, and perhaps are as well adapted as any others that can be chosen to the capacities of children of the age at which they are usually sent to those schools. With respect to certain doctrines which the Honourable Member has charged the University of Oxford with holding, I will not enter into the question whether such doctrines are well founded or not, nor into the question whether the House of Commons is the proper arena for discussing such a subject; I will content myself with saying, that the University of Oxford, as a body, is not responsible for them. They have never been adopted by that university, and it cannot be responsible for the opinions of its individual members. If the Honourable Member wishes to find opinions for which the University of Oxford is responsible, let him look at the petition which that university has presented to the House upon the subject of the present motion. That is a regular and formal expression of the sentiments of the body; and feeling, as I do, a just sense of the high honour which my position confers upon me, I am quite ready to take my share of the responsibility arising from that petition — a responsibility in which I glory. Sir, I regard the Ministerial measure as one upon which the University of Oxford looks with apprehensions that are just and well founded. Although the plan has been technically changed, let no man deceive himself by thinking that the evil to which the former objections applied has been removed. The Honourable Member for Ipswich says that there is no reason for withholding our confidence from the individual members of the Privy Council, of whom the board at present consists. The objection is not to them as individuals, but to the placing in the hands

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of laymen those powers which ought to be confided only to the church through its ministers. I have never confounded the church with its ministers, but have only said that from time immemorial, both in Roman Catholic times, and since the Reformation, education has been connected with religion; and I firmly believe that if the Roman Catholic religion were ever again, here, in the ascendant, the clergy of that church would be the last in the world to leave the education of the people in the hands of others. It has been said that those members of the Privy Council belong to the established church; but is it certain that such will always be the case? May not a Privy Councillor be a member of the Church of Rome? I do not wonder at the Honourable and Learned Member for Dublin's concurrence in the Ministerial plan; but that Honourable and Learned Member's approbation ought not to be a reason why he, — the Honourable Member for Ipswich, — whose aspirations are in favour of the Church of England, should agree to the proposition that the interests of that church may be safely intrusted to a committee, the members of which may not, even nominally, profess the Protestant religion. It has been said that the Church of England has been remiss in the performance of its duties; and I admit that in the eighteenth century there did exist a lamentable apathy in the church, the evils resulting from which we are now constantly experiencing: but it is not to the state of the church in 1750, or at any other former period, that we are to look: we ought to consider the energies of the Church of England such as we see them at present, and then say whether we can find elsewhere such an instrument of good as is to be found in that church; whether, in the present generation, its usefulness should be eithher suppressed or contracted. It is not the question, whether, in former periods, the Church of England did adequately discharge its duty, but whether it is not fully occupied in doing so at present. Nothing can now be said of that church which does not redound to its honour. I hold in my hand a return of the number of boys committed to the gaol of Newgate between October, 1821, and March 12. 1822 — (I select this period as being a comparatively distant one); — which return shows how superior is the system of education afforded in schools in connection with the established church. Of the fifty-two boys so committed, there were eighteen who had received their instruction in schools not in connection with the established church; while there were only six who had been educated in schools of the establishment. The Honourable Member for Ipswich has infused a strain of ridicule into his account of the mode in which education is conveyed in the schools in connection with the established church, by repeating some rhymes made use of in the National Society's schools. For my own part, I am prepared to contend that the elementary part of the general education of children may be, and ought to be, connected with Christian instruction. Any opportunity which is lost of leading the way to eternal life is, in my opinion, dearly purchased by what the Honourable Member for Ipswich calls universal charity. This is an opinion which I believe no man who is fully persuaded of the truth of the doctrines of the established church will venture to controvert. There is no alternative. We should believe that those doctrines are either all true or all false. If we believe them to be true, we are bound to support and advance them. Then comes the question of what is the nation to do?

Mr. O'CONNELL. — Hear, hear!

SIR R. H. INGLIS. — My answer is, that each individual is bound to use his influence, so far as it can avail, for the promotion of the doctrines which he believes. Every one is responsible to God and man for the use of the power committed to him. Those holding office, and in possession of political power, are bound to exercise that power for the promotion of their belief, and not for the encouragement or advancement of anything which they disbelieve or conceive to be erroneous. Will you venture to tell me, then, that this Board of Education may not, nay, must not, tend to the promotion of that which, as individuals, you believe to be erroneous? It is distinctly stated, that the design of the Government is, to extend the benefits of a national education to all those who now require it, whether they belong to the Church of England or not. That being the case, the members of the proposed board must necessarily throw a portion of their patronage and influence into the scale, which is to weigh against what they believe to be the truth. It has been said that, as Dissenters, Roman Catholics, and Jews pay a portion of the national taxes, they have a right to receive, in return, a share of the national income. It may almost as well be argued that none should be called upon to pay rates towards the building and maintenance of prisons, except such as contemplated becoming inmates of them.

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[Cries of "Oh, oh!"]

But I will ask, does any man refuse to contribute to the support of gaols upon such a ground as that? Does any man refuse to contribute towards the building of a bridge, on the ground that he never intends, or never shall have occasion, to cross it? I understand nothing of a national religious establishment, unless it be one to which members of all other persuasions are bound to contribute, without any obligation on its part to contribute in return. If there be anything in this view of a national establishment, it is clear that those in whom is the power of the state are bound to exercise that power for its support, which they certainly cannot be said to be doing in proposing a mixed scheme of education — a scheme which, I believe, will not satisfy the more conscientious members of any party. With this view of the duty of a Government to promote the religion of the state, not on the ground of a national contract, but on the ground of individual obligation, I cannot understand how the Noble Lord and his Right Honourable Friends opposite can justify themselves in giving aid to those whom, in their consciences, they believe to be in error, as, of course, they assume the Socinian and Roman Catholic to be. I will not enter into any theological discussion whatever. The members of those sects may be right, or they may be wrong; but I will venture to say that if the Honourable and Learned Member for Dublin, for instance, were to change positions with us, and he were asked to allocate a portion of the national funds, — supposing, also, his church to be the national church, — for such a measure as this; I will venture to say that the Honourable and Learned Gentleman would not approve of such a course, and would not sanction it under the authority of the heads of his church. I will not discuss the various reasons upon which I deem the Honourable and Learned Gentleman opposite to be in the wrong. No doubt, on his part, he would call me a heretic.

Mr. O'CONNELL. — No, no!

SIR R. INGLIS. — Then the Honourable and Learned Gentleman is not consistent with the principles of his own church.

Mr. O'CONNELL. — I do not judge you; it is a question which I leave between you and your God.

SIR R. INGLIS. — Over and over again I have said that the state ought not to establish a system of secular, as contradistinguished from spiritual, instruction. You may call it by a less extensive term than a "system of education" — you may say that a lesson in arithmetic is a lesson in arithmetic; but I cannot call any system one of education which does not include the preparation of the whole soul and mind of man, for his duties here, and his hopes hereafter. My Right Honourable and Learned Friend the Member for the Tower Hamlets, who has just entered the House, is one of those who have endeavoured to make a distinction between secular and religious education; but what he urged upon this subject was, I am convinced, as to its practical character, quite impossible. You never can bring together, under one head, for the purposes of education, those who differ entirely on spiritual subjects; and if you attempt to divide instruction into secular and spiritual, you cannot bring either to its legitimate result. Numerous petitions have been presented upon this subject from the Dissenters themselves, some of them exclusively signed by Dissenters. Never, hitherto, in so short a period of time, has there been presented, from all parts of the country, so large a mass of petitions, showing such an earnest and combined opposition on the part of persons of so many different persuasions, as there has been presented against the proposed plan of education. It has been said that they are not against the present plan. Many of them were certainly presented before the second plan was made known; but those presented within the last week are directly and specifically against the plan now proposed. Never before, in so short a period, was there such opposition shown to any measure, in the shape of petitions. I believe their number on this one subject approached very nearly to the total number of petitions presented on all subjects in former Sessions. What must be the evil of a plan which can arouse against it the combined and strenuous efforts of so many otherwise discordant bodies, and which has produced in its favour some fifty or sixty petitions from the zealous supporters of her Majesty's Ministers, but which, neither in this House, nor in the country, can be described as the real wishes and feelings of the people of England?

Mr. O'CONNELL. — As I have been personally referred to by the Honourable Baronet, I shall beg leave to notice some opinions of his, and some mistakes, on points of fact, which he has fallen into. I shall begin by that which is the least material — the number of petitions presented on this subject; and I will let him see, precisely, what public opinion is, on

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this matter. There has certainly been a very great number of petitions presented against, I will say, the present Government plan; but then I say that there has been a miserable deficiency of signatures to those petitions.

[Cries of "Oh, oh!"]

The number of petitions is 1615.

[Cries of "No, no, no!"]

I have in my hand the last return of them which was published. It was published only three or four days ago, — it does not matter which. All that is material is the fact that I cite the return last published. The number of petitions printed is only three or four; but this is so, only because all of them were so similar one to another.

[Cheers from the Opposition benches.]

You may cheer, by and bye. Well, the number of petitions presented on this subject, according to the last return, is 1615; but what is the number of signatures attached to them? Why, only 165,729. Now, upon the subject of the extension of the franchise in Ireland, there were only 192 petitions — but how many signatures were attached to them? — 170,942. For an extension of church accommodation in Scotland there were 611 petitions, and these had 141,370 signatures, — nearly as many as in the 1615 petitions you talk so much about. Against what was called Orange domination in Ireland, — in other words, in favour of the maintenance of the policy of the present Government in that country, — there were 710 petitions; but then these 710 petitions had 550,356 signatures. These were petitions in the prayer of which the people were serious, — cases, where they were actually interested in the matter in question. And what do your 1615 petitions prove? Dexterity in getting up petitions, in collecting together a large number of them. Nothing further. Signatures, it is very clear, you could not command. With all your little bits of rolls of paper coming out of the same shop, with little red tape about them, and all as like each as if they had been created at the same moment — with all these you could only get together 165,729 signatures. And whose signatures are these? Those of persons who belong to your party, who want to advance your political power, — for this is the point with members of the Church of England, with the mighty body of Wesleyan Methodists; yet with all your efforts, with all your means, with all your appliances, you could only get 165,729 signatures to 1615 petitions; while in Ireland, in one fortnight, 550,356 persons came forward eagerly to subscribe their names to 710 petitions. It is a mistake, a gross mistake, on your parts, to suppose that the good sense of the people of this country is with you in the advancement of your bigoted views. The attempt to raise the "No Popery" cry has signally failed; it has been growing, from time to time, weaker and weaker. I regret that the Noble Member for North Lancashire is not here; it does not become his high talents to have set forth on this unhallowed purpose. It is stated on the opposite side that they do not think they can aid one party without subjecting another to loss and deprivation. This is their principle: I call on them to work it out. I contend that they cannot work it out; and without meaning anything disrespectful, I say they dare not work it out. I doubt not that they would work it out if they dared: they cannot, if they would, proceed with the principle of exclusion. I am in this House in spite of you, and in spite of all who are influenced by your principles. You have tried the efficacy of exclusion, and you have found that it will not do. You have tried the efficacy of the exclusive principle in order to prevent the advance of Catholicity; but, nevertheless, the Catholics are multiplying in Ireland — they are even increasing in England. But the advocates of exclusion do still not carry out their own principle far enough, — at least not far enough to effect their purposes. You had better take up the old plan, — you had better pursue the old Spanish system, and proscribe and burn us. But, no; this you cannot do, now; though you endeavour to the utmost of your power to proceed upon principles which are at once fatal in politics, and unsound in religion. Properly speaking, such principles do not belong to religion, they are anti-religious; for, though hypocrites may be made by force, you cannot make converts otherwise than by persuasion. The Honourable Baronet is quite ignorant of my opinions as a Roman Catholic. I do not hold any opinions as a Catholic which I do not believe to be identical with those of my church. I am emphatically submissive to my church. I believe all it believes — I believe nothing which it does not believe. I do not condemn the Honourable Gentleman as a heretic. I hope he is not one. If he has been cautious and sincere in prosecuting his inquiries after religious truth, and remains firm in his convictions, I can have no right to call him a heretic.

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I have no right to be his judge: it is a question between him and his God. He is not responsible to me, nor to any human being; and I am equally irresponsible to him.

Well, Sir, I have shown, I think, that this is not a popular question. I have shown that the Wesleyan Methodists, who have engaged in it with the utmost activity and energy, and with excellent discipline, have produced only a paltry collection of petitions, with an extent of signatures utterly insignificant, when compared with the petitions on the other subjects I have mentioned. What is the question before the House? The Government proposed, by their minute of the 11th of April, to form normal schools. They proposed, in that, to do what I think they had no right to do, strictly speaking, — to provide, at the expense of the nation, chaplains to instruct the children of the established church. These children should have instruction, no doubt; but that the nation should pay for their chaplains, when there were no chaplains provided for the children of Protestant Dissenters and Roman Catholics, was very stoutly to be disputed. These schools were not to be paid for out of the funds of the established church. It was no part of the revenues, casual or productive, of the established church — no sacrifice made by the established church—that these schools were to be paid out of; but, out of a general national fund, coming from Protestants of the established church, from Dissenters, from Roman Catholics in the three countries; and so far I think that the members of the established church ought to have seen that a decided advantage was given to them, which was not quite consistent with justice and fair play: but to this I, for one, was ready to accede at once; because in the way of so great an object I wished not to introduce any miserable little cavil. It is of the highest importance to educate the people, and I am ready to make any sacrifice, except principle, to secure such an object. In the normal schools it was proposed that there should be education in common. I have heard a great many arguments against this plan of education in common; but it is a powerful argument on the other hand, that there is nothing more desirable than that the youth of this country, separated as they are by twenty-five or twenty-six leading persuasions, should, while the unsophisticated and affectionate feelings of youth are yet warm in their bosoms, have the inestimable advantage of mixing together in friendly and undoubting intercourse; so that the angry and jealous passions which may afterwards come upon them may be assuaged by the gentle recollections of their youthful friendships. It is said that no such experiment has been made. I say it has been; and most successfully. I admit to the Honourable Member for Somersetshire that it has not been made in Prussia. I admit that in Prussia the different Protestant persuasions are kept separate in the schools; but there, the Catholics are educated under the inspection of Catholic clergymen; and the petition of which the Honourable Baronet complains, — that of the Archbishop of Tuam and his clergy, — what does that petition claim? It claims for the Catholic clergy the spiritual instruction, not of Protestants of the established church, nor of Protestant Dissenters, but of the children of the Roman Catholic faith. But what does the Honourable Baronet the Member for Oxford claim? He claims that the education of Catholics, as well as that of Dissenters of every persuasion, shall be placed under the control of clergymen of the established church. This is the claim made by the Honourable Baronet, — and made, before him, by the Honourable Member for Somersetshire, and repeated over and over again, — that Protestant Dissenters, that Roman Catholics, shall not educate their own children, but that all these shall go under the yoke of the established church, and submit to the inspection of its clergy. I think, Sir, that the claim of the Archbishop of Tuam contrasts very favourably with this claim of the Honourable Baronet. I can assure the House, that if the Archbishop of Tuam were to make a claim for his own church similar to that advanced by the Honourable Baronet, I should be the first to oppose it. The Honourable Member for Somersetshire very wisely began by deprecating polemics; but in doing so, he, too, came to assume for himself very extensive concessions. The Honourable Member insists that the established church in this country is educating an immense number of children. I grant him that position. I will suppose his statement to be quite correct; but is this a reason why the established church should have all the national grant to itself? It has sufficient funds already; and I should rather have expected that, in the liberal spirit of Christianity, it would have said, "Seeing what large funds we have got, we will give this money to the miserable Dissenters and Roman Catholics, — those poor wretches who have no money — while we have got 8,000,000*l.*" But, no; on the contrary, they said — "We

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have got all this money, so give us more — give us all that is to be given;" therein bearing too close a resemblance to the man in the Old Testament, who, not satisfied with having a whole flock of his own, insisted on having the solitary ewe of his neighbour. Government has given up this plan of normal schools, and I cannot but express an opinion that they yielded too readily to public clamour. I should not have given up the expectation that the people of England would cheerfully embark in a plan which proposed that the future teachers of children of all persuasions should be educated in common — that they should have their literary education and their general religious education in common, and that special religious instruction should be given to each, separately. I have heard a great deal thrown out as to the distinction between special and general religious instruction. The Honourable Member for Dorsetshire dwelt much upon this topic, and I was sorry to hear the manner in which he discussed it. I have heard, — I hardly choose to allow myself to touch upon the topic, — but I did hear the Noble Lord the Member for Dorsetshire, amidst the cheering of his friends, talk of the Sermon on the Mount. And what did the Noble Lord say? He said that that sermon contained no intrinsic merits.

[Cries of "No, no!" from the Opposition benches.]

Pardon me; he said that it derives its merits and its sanction exclusively from Him who pronounced it. He said that, emphatically. I heard him, and could not be mistaken. I heard him with the deepest regret. But, I ask, does not that sermon hold out objects of the purest and most sublime morality? Does it not hold out the kingdom of God to the meek, to the pure in heart, to those who administer mercy, to the peace-makers? Oh! the contrast between the spirit of that sermon and the hostility to education which it has been dragged in, to support! If I could doubt, even for a moment, — and I make the supposition with the utmost reverence, — but even if we could entertain a doubt of the divinity of Him from whom it came, what a contrast would it present to the systems of Pagan philosophy, which preached self-exaltation — which preached triumph over enemies — which preached the taking vengeance for offences — and which tended in every way to self-glorification! What a contrast between those systems and the sublime principles of the Sermon on the Mount! And shall it be said that an English nobleman, in the nineteenth century, can find no intrinsic excellence or sublimity in its sentiments?

[Cheers from the Ministerial, and cries of "No, no!" from the Opposition benches.]

I am not surprised that you should deny it! You do right in accusing me of misrepresentation. But the statement has been published without contradiction. I heard the Noble Lord myself, not only with patience, but with the deepest regret. If he were here, I am sure he would have the manliness to avow his words. But is it a fallacy to say that that sermon is matter of general religious instruction — that it may be communicated to Christians of every denomination? Will any one deny that a great good would be effected by teaching children to live in love together, according to the precepts of that divine sermon, even though you should separate them afterwards for special religious instruction. The Honourable Member for Somersetshire has quoted Prussia, and said that different sects are, there, educated apart. I admit it; I deplore it. But I remind him that in the admirable work of the Rev. Mr. Gleig, chaplain of Chelsea Hospital, on Germany, there is strong testimony to the superior morality of the Catholic population, compared with that of the Protestant portion of the people. Is this a desirable result of separate education? Is it not better that we should all come together in a spirit of charity, than incur the guilt of caring more for system than for that which is the essence of religion. Oh! let each man beware, lest, in becoming a systematiser, he become a propagator of immorality, or a creator of hypocrisy; and let us all look to the genuine nature of the divine precept of universal charity, as the only means of amelioration — the only way to reconcile us to one another. But if the system have not been adopted in Prussia, it has in Holland, and has completely succeeded there. I know that some persons, there — I will not call them fanatics, but mistaken individuals of the Calvinistic persuasion — are declaring off, and refusing acquiescence in the general system of education in Holland. The Honourable Member for Somersetshire told us so; but he did not tell us the reason. I may supply that deficiency in his speech. The principal excuse of these persons is — that Catholicity is advancing. Whether from the system of education adopted, I do not know; but there is no doubt it has made a mighty advance. And what if it be ad-

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vancing? Is that a reason why the experiment of a general education should not be tried, if it contain nothing unfair, or nothing unjust? Can you, who are convinced of the truth of your church, dread the consequences of a fair development of the public mind by education? What is the plan we are discussing, but this, — that a sum of public money, not belonging to the funds of the established church, should be employed to educate the children of those from whom it is raised? The Honourable Member for Kent (Mr. Plumptre), whom I do not see in his place, seemed to think that we were coming to ask for money; and he said, "You believe in transubstantiation — in the invocation of saints — in prayers for the dead" — (forgetting that one of your own judges has lately pronounced it to be a salutary practice to pray for the dead) — "and the sacrifice of the mass; and do you come to me for money?" I do not come to him for money which is his; but I ask him to give me a part of my own. I say, "Mr. Plumptre, ——

[Cries of "Order!"]

— you believe that my principles are dangerous and fatal errors. I respect your credulity: I do not ask you to pay for the diffusion of those principles; but I ask you not to put your hand into my pocket, and make me pay for the dissemination of yours." This is the principle of common sense and common honesty; and the converse is a principle of common swindling and common robbery. The Honourable Baronet has talked of men being sincere in their religious belief. He thinks that if I put my hand in his pocket, and take out of it the means of educating children in the Catholic faith, I am robbing him. I think the same of him. I tell him, further, that he has not been wise in discussing this topic. The Wesleyan Methodists have been brought forward, — and observe under what circumstances. The Government plan is simply this, — to take this grant, and distribute it first to the National School Society, with which you are satisfied. I will not enter into the Honourable Baronet's quarrel with the able Member for Ipswich, whose sentiments I did applaud, because they were consistent with justice and common sense: — but — you are satisfied with the National Society. You undertake its vindication and proclaim its merits. Well, the Government is in the first instance to give more than one half of this grant to that society. The great bulk of the money will go into its hands. So far you are content. Then comes the British and Foreign Society. I do not know whether the Honourable Baronet the Member for the University of Oxford is content with the British and Foreign Society. I should like to have some intimation on that point, but I think the Honourable Baronet's countenance beams approval. At all events, the great body of the Dissenters approve of it; and that society is to receive another large portion of this grant. What remains? So far the system is the same that has been in existence before — the same for which the grant was voted last year, and there was no complaint. The Noble Lord the Member for North Lancashire was then silent. He would allow the established church to get public money; he would allow the Dissenters to get public money, without any excitement of his Noble wrath; but at the bare mention of Catholic education he raises the cry of "No Popery!" — I will not say for political purposes, or from deep-rooted prejudices; but I will bring him and tie him to the fact, that while the distribution was exclusively between the National and British and Foreign Societies, he made no complaint; but the moment that the miserable crumbs, the wretched remnants, are to be used for the instruction of Catholics, that moment the Noble Lord rises up, in his place, to call upon the House to refuse even these paltry remnants, by his motion for removing those four Protestant noblemen and gentlemen who form the Committee of the Privy Council. He did not impeach the division between the National Society and the British and Foreign Society; but he did impeach the distribution the very moment it was proposed that Catholics should get any part. I exclaim against this as bigotry.

Another Member of this House has talked of the bitter feelings, and intense and malignant uncharitableness, which characterised the speech of the Noble Lord. I mean the Honourable Member for Lambeth. The words are not mine; but I cannot contradict them, for I never heard a speech to which they would more justly apply. The Noble Lord insisted upon the authority of the Ordinary. I will not refer to the passage in Norman French, quoted from the year-books of the reign of Henry IV., — a reign at which every Englishman ought to blush. From the time that St. Gregory sent St. Austin, the monk, to convert your ancestors, to the period of the reign of Henry IV., there was not a single law against dissent, or a single punishment for difference of religious belief. That was the first reign in which persecution commenced by the enactment of the statute *De heretico comburendo*. William of Wykeham has been

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praised, and rightly; but even his character, in other respects so pure, bears the stain of persecution: for, indeed, he must have been long since placed among the number of canonised saints, if he had not taken part in the persecution of those Lollards, whom, although he did not himself bring to the stake, he pronounced to be contumacious heretics, and who were then, according to the Act of Parliament, consumed at slow fires. But the Noble Lord quoted a passage from Lord Holt, who said, that religious instruction should be under the direction of the Ordinary. It would follow that it should be under the direction of the representative of the Ordinary, or of the minister in each parish. But did the Noble Lord, when he made the quotations, say that he did not agree with the passage? He said, emphatically, that he would go no farther. Some one cried, on this side, that that was far enough. It was, indeed; but such was the Noble Lord's position. Does he disclaim or withdraw it? I should be glad to find myself mistaken; but I took down his words at the time, and documents which have since appeared before the public have confirmed them. Now he, too, triumphed in the numbers of the established church. But what are the conclusions drawn from statistical calculations? How stands the established church in this country? Before the Reformation there were 97,000 churches in England.

[Cries of "Oh, oh!"]

What is the number now, with all the enlightenment and zeal of modern times? The total number of the churches of the establishment is 11,825. I take the number from parliamentary documents. There are no parliamentary documents to show the number of dissenting meeting-houses; but, taking it from the best sources, — from returns which have, from time to time, been published in the *Morning Chronicle*, — the whole number, including Roman Catholic chapels, is 8716. The proportion, therefore, is, in round numbers, as three to four. Taking the population at 14,000,000, according to the last accounts, that would give for England 8,000,000 of Protestants belonging to the establishment, and 6,000,000 of Dissenters and Catholics. If to that you add Ireland and Scotland, the 800,000 Protestants of the establishment in Ireland, and, according to an exaggerated estimate, 200,000 for Scotland, you will have altogether 9,000,000 belonging to the established church. Between Ireland and Scotland there are 8,000,000 of dissenters from that church. And these, added to the 6,000,000 of Dissenters in England, will make up, altogether, 14,000,000 of Dissenters, while there are but 9,000,000 who belong to the established church. All this is upon the supposition that the relative numbers of the different persuasions can be fairly calculated by the relative numbers of their churches. But remember, in the first place, that the churches of the establishment have been built without any expense to those who worship in them. They have remained from other times. And many a church is at this day unoccupied in the city of London, and in various places throughout England, such as the town of Norwich. Remember that the presence of a church does not prove a congregation. But the presence of a Catholic chapel, or a dissenting meeting-house, proves, not only a congregation, but a congregation with wealth, and numbers, and zeal sufficient to erect and support it. Why do I enter into these details? In the hope of teaching Honourable Gentlemen some moderation in their assertions of the triumph of the establishment. What do I want from you? Nothing but fair play. I want that you should not rob me. At least, when you come to take my money for your own purposes, I want you to have some moderation in your language, to be less fierce with your "No Popery" yell, merely because I ask for justice to the Dissenters and the Catholics.

You have of late fallen in love with the Wesleyan Methodists, forsooth. I heard the Noble Lord the Member for North Lancashire praise them. The Honourable Baronet opposite, I believe, did not do so. But I join in that praise so far as that I believe them to be excellent persons, moral, and well-conducted in private life. With their religious opinions I have nothing to do. I believe that there are people among them as good, in all the relations of life, as any others. But I utterly deny that they can lay claim to having distinguished themselves by a career of political utility. Their history is marked. The first great political movement of John Wesley was to encourage, by writing an address, that Protestant Association, whose proceedings ended, in 1780, in what is now called an *émeute*, in the city of London — a scene of burning, plunder, and destruction of life and property. I do not accuse him of having written an address to incite to that riot; but I accuse him of having put his name to a publication which inflamed and supported that Protestant Association before they committed the outrages. I do not accuse him of encouraging them. I take the facts as they stand historically. I know that *post hoc* is not always *propter*

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hoc; but the facts stand so, whatever connection there may be between them. I enter not into the controversy of that time, although I may think that Father O'Leary had the best of the argument with the founder of the Methodists. Certainly he had the best of the good humour and the wit in that controversy. But the fact that I have mentioned is the first in the political history of Wesleyanism. I shall be glad to hear — I challenge — any Honourable Gentleman, if he can, to come forward and state one fact in that history to prove that the Wesleyans have shown themselves the friends of civil and religious liberty. I never knew them join with the other Protestant Dissenters during the long struggle for repeal of the Test and Corporation Acts. I never knew them to join in supporting the rights of the Catholics, or the freedom of conscience. I have known them perseveringly, violently — I will not say malignantly — to oppose the concession of those rights. Their political history is well known. If I am mistaken, no man will be more ready than myself to retract; but their history has been one of opposition to religious liberty, and they have never been known to take any part in favour of increasing the franchise or diminishing the burdens of the people. Why do you exclaim in their favour? I tell you, because they have joined in your "No Popery" cry. Beware, I warn you, on what treacherous ground you are standing. They say, in their published resolutions, —

We must decidedly object to the intended scheme (of national education) on the strong grounds of conscience, and of our right to full religious liberty.

[Cheers from the Opposition benches.]

Yes; it is a most excellent principle. I only ask you and them to "do unto others as you would that they should do unto you." They go on to say, —

We protest against being taxed for the teaching and maintenance of systems of religion which we, in common with the vast majority of our fellow countrymen, believe to be false and injurious.

I do not wish to use harsh words to them, but I am bound to believe their doctrines "false and injurious;" and I therefore claim from them the same liberty of conscience which they require for themselves. They protest against being taxed for the promulgation of doctrines which they deem false. Why should I be taxed for the promulgation of doctrines which I view in the same light? But I say to the friends of the church, "Are you safe in this Wesleyan connection?" Your church is rich; you call the Wesleyans brethren; but they have different clergy, different ministers, different office-bearers, from you. Do you think that your episcopal endowments, your stalls, and your rectories would not suit a worthy Wesleyan as well as any gentleman among you? You applaud them when they proclaim the principle of not supporting doctrines to which they are opposed. What if they should hereafter propose to put it in practice? They promulgate the principle under your sanction. I trust it will it will be read in Ireland, and perhaps the echo of its reception and adoption there will find its way to the Wesleyans. You may yet hear them tell you that the freedom of conscience, which they have asserted with your countenance, is violated by the tithes, and dues, and mortuaries which you compel them to pay to your church. You are allowing the armed man to put the saddle upon your back: you may not find it easy to get him to dismount. You are, for your present convenience, allowing them to use a dangerous weapon; but the day may come when the sword of the Lord and of Gideon will be well wielded for your own overthrow.

There has been much declamation against the danger of using the Catholic versions of the Scriptures. I shall quote to you, on that subject, an authority which you yourselves must respect. On the 1st of May, 1830, there was examined before a committee of the House a reverend divine, not of the established church of England, but of the established church of Scotland, — a church infinitely more opposed in doctrine to the Catholic Church than you are. Pardon me for what you may think no compliment, but we are in the habit of saying of you, "least deformed, because least reformed." What, then, says Dr. Chalmers, who, as a scholar and a theologian, stands in the first class, and who brings with him as ardent a dislike for what he considers Popery as any Wesleyan can possibly cherish. Of his talents and information I need not say anything. But this learned divine, on the occasion I have referred to, observed, —

I will beg leave to say that, in regard to the authorised version, and the Douay version, the difference between them is not so great as to make it a thing of practical importance which of them should be used.

Compare that with the Methodist declaration, surrounded and perfumed with your praise. They say, —

We protest more especially against our being

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compelled to support schools in which it is proposed to use versions of the Holy Scriptures, notoriously corrupt and unfaithful, and accompanied by notes which we consider contain the most absurd and pernicious doctrines.

This accomplished theologian gives you a different opinion. I will not enter into the various points touched upon by the Noble Lord the Member for North Lancashire. He began by talking of the sacrament of baptism, — the doctrine of justification by faith, — and what I think he called the blessed benefits of the eucharist. It was the first time that I ever heard those topics touched upon in this House. I will not refer to them, but I will say that never was greater ignorance displayed than in the assertion with respect to the authorised version and that of the Roman Catholic Church. Allow me to say this, — which at a proper time and place I should be ready to prove, — that in the version used by the established church there are a number of errors — recognised, admitted, but not corrected. I am perfectly ready to make that good. Some are of the first importance, — one on that very subject which the Noble Lord calls the blessed benefits of the eucharist. I say I pledge myself to be ready to show admitted and avowed errors, — wilful mistakes, — inasmuch as they remain still uncorrected, — in the authorised version. Why do I say this? To preach peace and forbearance. The Wesleyan resolution refers to versions "accompanied by notes which we consider contain the most absurd and pernicious doctrines." Before adverting to the notes, I shall mention that, within the last six years, 309,000 copies of the Scriptures were circulated by the bishops in the northern provinces of Ireland. I speak of the Roman Catholic bishops — the most Reverend Dr. Croly, the Right Reverend Dr. Deneir, and my beloved friend, the Right Reverend Dr. Blake. Dr. Croly has paid a Protestant bookseller 14,000*l.* for printing the Scriptures; and there is at this moment in Dublin a stereotype edition of 80,000 copies in the hands of Mr. Coyne, which he is eagerly pressed to bring forward, previous editions being exhausted. I remember a time when the cry to the Catholic was, — "Take the Scriptures; use your own version; but — read the Scriptures." The Catholic bishops did not think it wise to urge the circulation of the Scriptures, so long as they apprehended a disposition on the part of their flocks to become self-interpreters. That time is gone by. They feel that the Scriptures may be circulated safely; but you cry out, now, against what you blamed them for not doing before.

As to the notes, which are said to contain absurd and pernicious doctrines, — I shall give you the history of the version in which they originated. Pope Clement, in 1593, most zealously watched the publication, which, being translated at Rheims for the use of the Douay college, was called the Rhemish version. It contained notes urging the right — exactly upon the principles of the Honourable Baronet — of the civil power to persecute persons who held erroneous doctrines in religion. This version was published by a Protestant bookseller in Liverpool, in 1808. I first discovered and denounced these notes, and I will read the evidence of Dr. Croly with regard to all subsequent editions. He said, —

All the notes to which objections were at any time taken have been expunged, not only from the last edition, but from several previous editions.

The main question now before us, is, whether a small portion of this grant shall be applied to the education of Roman Catholics? Look at the wants of the Roman Catholic population in England. According to the returns of births and marriages, the population of Liverpool contains 92,386 Catholics, or nearly one third of the entire population. They are the poorest, by much, of the population: will you say they are to get no part of this grant? Are they, when — out of the beer which they drink, and the tea with which they regale their wives — the alchemy of the Chancellor of the Exchequer finds something to turn into gold, to get no part of the money which the state gives for education, for their children? I do not hesitate to say, in the presence of the Honourable Member for Liverpool, that the experiment of a common education has succeeded there. Will you refuse to the poor population of other great towns the same advantage? The Honourable Member for Liskeard has described the misery of the Roman Catholic population of Manchester and Salford. I believe that population amounts to 75,000, and that there are not less than a million and a half of Catholics in the kingdom. If their numbers are great, their destitution is great, and certainly the want of education among them is great. Do you, with your wealthy church of eight millions, and the Dissenters who, to their credit, have subscribed 111,000*l.* to foreign and domestic missions, — do you, wealthy as you are, stand forward to prevent this poor population of Catholics from getting a share of the grant? Oh! let us quarrel about something else.

[Loud cheers.]

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Let us find some other field of conflict; or if you will contest this point, do it manfully. Do not come down with a side-winded declaration, that Lord Lansdowne is less fit than some one else to superintend the distribution. Do not come down with the paltry assertion, that it should be in the hands of responsible persons. Who are more responsible than the Ministers of the Crown? The Honourable Baronet and the Noble Lord, upon their principles, would not give a shilling towards the education of the Catholics. Let them propose it. I do not doubt that even the Oxford divines would support it. They who come the nearest to the professors of the ancient church would join in the outcry. Let the Noble Lord come forward and move, not by a side wind, but directly, that the Catholics shall have nothing. Let him come and say, "I am not dissatisfied with the National Society — let it take the grant. I am not dissatisfied with the British and Foreign Society — let it have the grant. But I will move a resolution, That no part be given to the Roman Catholics." That would be manly. But still you do the same thing in another way. You disguise your votes, and you are afraid to avow your own acts. I am surprised that the straightforward course has not been adopted by the Noble Lord, who is not much disposed to resort to deceit or to cunning. I wish to do him this much credit,—that he generally goes straight to the work at which he aims. Why not at once proclaim that which is the only difference between the two parties? Mark what is the difference between us,—mark it, and I say it proudly, that we propose that all persuasions shall be generally treated, by giving money to all who may require it. We require no partiality, we demand no priority; we ask for equality; and think you we will be satisfied with less than equality? All we ask is equality. We require not your money; but then we say, do not take from us, ours. Refuse the money altogether; that would be just. But then, if money is to be granted, do not be guilty of the bigotry and the injustice of refusing it to the poor, who require it, and of lavishing it upon the rich, who do not want it.

Much has been said, to-night, of our common Christianity. I did not like the sneer which was indulged in upon this point by the Honourable Baronet, as I think it was very unbecoming. There are points of difference between us. These are important points of faith. Faith is great; — Hope is cheering; — but Charity is the greatest of all, includes all, and forms the proper basis for all.

Mr. W. E. GLADSTONE. — It is with the deepest and most unfeigned reluctance that I take part in the present debate; for I know that the vital and cardinal principles on which it turns are deep and abstruse principles of religion, which never can be discussed in this House with advantage. To the doctrine, that subjects of theology are unfit for discussion in this House, general assent is given; and the Honourable and Learned Member for Dublin, who has just vanished from his place, has laid down in his speech, most forcibly and most clearly, the view which he takes as to the introduction of questions of theology into this arena; and stated, with great precision, the reasons why they ought not to be made subjects of discussion in this place. But how did the Honourable and Learned Member apply his theory? By putting a question to me as to the authority of tradition. It seems that I, as an individual Member, am to be examined in this House as to my religious opinions, when it suits the purposes of the Honourable and Learned Member; but that when my answer to that examination is to be given, a protest against my being heard is to be made, on the ground that questions of theology are unfit for discussion in this House. This is not the first time that this kind of allusion has been made to me in this House. The Noble Lord, opposite, has alluded to a book of mine, which I am almost sure that the Noble Lord, in the midst of his numerous and onerous avocations, has never been able to spare time to read. The Noble Lord has also taunted me with what he was pleased to denominate the result of my principles. I should not be afraid of entering into a discussion with the Noble Lord upon those principles, if the present were either a time or place for such a discussion. I will not flinch from a word which I have uttered, or from a single syllable which I have written, upon religious topics; and I claim the privilege of contrasting my principles with those of the Noble Lord, of trying the results of them in comparison with the results of those professed by the Noble Lord, and of ascertaining the effects of both on the institutions of the country, so far they operate upon the established church in England, in Scotland, and Ireland. Last night, too, the Honourable Member for Liskeard spoke of me as if I had interpreted the right of private judgment to mean nothing else than conformity to the doctrines of the

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Church of England; and broadly stated that my doctrines, if pushed a step further, would lead of necessity to persecution. I am well aware that I cannot defend myself against such imputations as these, without transgressing the ordinary rules of debate. All that I shall say in reply to them — for I will not be diverted from the main subject of the debate — is this; — that if the Honourable Member for Liskeard be justified in asserting that my doctrines on the right of private judgment resolve themselves into the necessity of conforming to the doctrines of the Church of England, and would, if pushed a step further, to persecution, I am also justified in asserting that the doctrines of the Honourable Member for Liskeard destroy the means of discerning between truth and falsehood, and will lead, if carried out to their next stage, to nothing less than national infidelity.

With respect to the Honourable and Learned Member for Dublin, who has spoken so much of his fondness for statistics, the use which he has made of them reminds me of an observation made by the late Mr. Canning, to this effect; — that he had great aversion to hear of "a fact" in debate; but that which he distrusted most was a figure. The Honourable and Learned Member for Dublin stated that there were 97,000 churches in England, prior to the Reformation; — a "fact" depending upon historical research, which, if known to the Honourable and Learned Member for Dublin, is unknown, I believe, to any "other" antiquary in the kingdom. It is not easy to test the accuracy of events so remote; but what ought we to think, if the Honourable and Learned Member is found so grossly inaccurate in his representation of events nearer to our own times? The Honourable and Learned Member for Dublin has spoken of the existence of 14,000,000 of Dissenters in the United Kingdom. But the present question has relation to England alone; and what is the amount of Dissenters, in England, alone? I will refer on this subject to a letter which was published in the *Morning Chronicle*, in November, 1837, by Mr. Dunn, the Secretary to the British and Foreign Society. In that letter Mr. Dunn makes the entire number of Protestant Dissenters in England to amount to no more than 2,500,000, or it may be to 3,000,000, in our whole population of 15,000,000. The Honourable and Learned Member for Dublin also travelled into statistics upon another point. He said that it was ungracious in the Church of England, to demand money of the public for purposes of education, when it was itself in possession of 8,000,000*l.* of revenue. Now, the Honourable and Learned Member for Dublin has not even taken the pains to refer to the documents laid upon the table of the House; for these documents prove that all the revenues of the Church of England do not amount, together, to more than 3,000,000*l.* And if another 500,000*l.* be allowed for the revenues of the endowed schools, and of the universities, it will appear that the Honourable and Learned Member, in his attempt to lead the House to useful knowledge by the means of statistics, has assumed to himself the privilege of more than doubling the amount of property in the possession of the church.

I will now take the liberty of saying a word or two in reply to the attack which the Honourable and Learned Member for Dublin has made upon the Wesleyan Methodists. I am at a loss to divine the purpose for which the Honourable and Learned Member for Dublin employed so much ingenuity to demonstrate that the Wesleyan Methodists, as they are not at variance with the doctrines of the Church of England, are inconsistent with themselves in becoming separatists from it. The Honourable and Learned Member said that the Wesleyan Methodists ought to return into the fold of the church; and I — who have always lamented their secession from it, and have always been of opinion that the fault was more on the side of those who caused that secession than on the side of those who made it — join cordially in the hope that the union, so unfortunately broken, will, ere long, be resumed; and I shall be glad to find the Honourable and Learned Member for Dublin my involuntary ally in producing that desirable consummation. The Honourable and Learned Member for Dublin has also done injustice to the Wesleyan Methodists in another point; and, though I am not commissioned, and have no intention, to stand forward as their apologist, still I think it hard that they should be taunted as the most persevering enemies of civil and religious liberty. It is, indeed, extremely harsh and unjust to say that they have never given proofs of their attachment to the enlarged rights of humanity, after all their long years of exertion to bring about the abolition of negro slavery. No sect has been more prominent than they have been in pursuing to its consummation that great object; nor have more assiduously kept the interests of humanity in view, while they were acting as vigilant guardians of all the best laws and interests of society. It is unjust in the extreme to designate men

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who have been most zealous and untiring in their exertions to obtain the liberty of the negroes, as parties perseveringly, if not malignantly, hostile to freedom.

I will now advert to the two plans proposed by the Government for the education of the people. The House has been told that the first plan, which contained a proposition for the establishment of a normal school, has been for the moment abandoned, or, in other words, postponed. Let the House then look at the position in which it will be placed with respect to the normal schools, if it adopt the present proposition of the Government, which is to make the grant impartial as to the schools to which it is to be applied. If the minute be impartially acted upon, the amount of the grant must be distributed rateably among the different religious bodies of the country. Now, many of them are small communities, which have no funds to support schools of their own. What, then, will be the result in the course of a few, a very few years? Why, that Government will say to them, "Without good masters, you cannot have good schools; now you cannot introduce good masters without a normal school of your own; you are too poor to support such a school; there must, therefore, be one general normal school to supply all the different schools in the country with the masters they require." This plan, therefore, insidious as it appears on its first blush, is likely to prove still more insidious if it ever come into operation, for it will betray the Dissenters into this position,—either that they must consent to have that normal school, to which Government dares not to proceed at present, or they must have bad schools with deficient masters, and without the only measure by which they can be rendered good. For my own part, I think that many of the difficulties which beset this subject depend on the erroneous significations which are attached to the term "education." By "education" is sometimes meant the machinery which is employed to give that knowledge to the lower classes which is necessary to procure them employment as a means of procuring daily subsistence. By "education" is often meant the communication of that higher species of knowledge which is religious as well as secular. It is only due to the Honourable Member for Waterford to say, that no one has spoken more forcibly than he has done against that species of education which is merely technical and external, and that no one has argued more successfully that, to produce a beneficial result, you must make education reach a man's heart, and must keep it distinct from that which he would call mere utilitarian knowledge. Let us take this always along with us,—that the education is to be "an education in which religion is combined with the whole manner of instruction, and is to regulate the whole system of discipline." These words are satisfactory. Both the documents which I have quoted, and the letter of her Majesty, and the speech of the Noble Secretary for Ireland, justify me in saying that the question which we are now discussing is, not whether it is lawful for the Government to give to the people an education which will better their temporal condition, but, whether we shall consent to let it administer a general moral system, which will reform the character of the people, and make them more fit for the discharge of all the ordinary duties of life? Such being the meaning of the word "education," the next question is, whether the religion to be combined with it is to be the religion of all forms indiscriminately? If it be so, then I have no hesitation in asserting that the principle is new and unconstitutional.

[Cheers from the Opposition benches.]

I repeat the assertion. The constitution has never recognised such a principle; and, as it is opposed to the practice of a thousand years, I cannot admit it, except after a full discussion of the grounds on which it is brought forward. Those grounds should be avowed by the Government, and rendered intelligible, in order that the friends of the church may have an opportunity of joining issue upon them, and of grappling with a substance instead of fighting with a phantom or a shadow. I again assert that this principle is contrary to the constitution. It is needless for me to refer, on this point, to our ancient history, for every instance that has been quoted against me has been taken from the history of the last few years. I have no need to refer to the clause introduced into the Prisons Bill of last year; for, though it has again passed the House this year, it has not yet become law. There is another case on which our opponents rely,—namely, the grant to the British and Foreign Society, and which I consider to deserve consideration. The Honourable and Learned Member for Dublin said that, in making that grant, we recognised the principle of teaching all forms of Protestantism, and that we now only oppose it because a miserable portion of it is to be devoted to the education of the Roman Catholics. Now, with all deference to the Honourable and Learned Member, I must observe

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that he has strangely misrepresented the object of the British and Foreign Society. Their practice is based on this supposition,—I will not stop at present to inquire whether it is or is not erroneous,—that you can extract from the Bible, for the purposes of general education, doctrines in which the great bulk of Christians agree; and their objection to the National Society and to the Church is, that they teach peculiarities of doctrine instead of teaching nothing but those great but simple truths in which the bulk of religionists agree. Look at the list of subscribers to the British and Foreign Society. Among their names, I find those of the Noble Lord opposite, of Lord Carrington, of Lord Chichester, of Lord Bexley, of my Honourable and Learned Friend the Member for Bandon. All these distinguished persons are prominent members of the British and Foreign Society.

LORD JOHN RUSSELL. — George III. was also a subscriber.

Mr. GLADSTONE. — Yes; so were George III., and George IV., and William IV.; and our present most gracious Sovereign, Queen Victoria, is also a subscriber to it. The supporters of that society will doubtless tell us that many children belonging to the established church are educated in their schools. I do not mean to dispute the fact; for that society occupies in England the same position that was formerly occupied by the Kildare Street Society in Ireland. The proposition which I intend to maintain is, that what the state has been doing in giving grants to the British and Foreign Society is a mere limitation of the principle for which the Honourable Gentlemen opposite contend, and that the state has never yet recognised the principle of teaching all forms of religion indifferently, and of placing truth and falsehood in the same position, and on the same foundation. Before the House is called upon to act on this principle, and to advance in a direction so different from all the former policy of the country, I again beg that the grounds of the proceeding may be clearly avowed, and that some intimation may be given of the results at which it is intended we should finally arrive, in order that we may not be required to embark on an ocean of political change without knowing the haven for which we are bound. But I have protested against the principle, and have said that I do not think it necessary, in support of my views, to enter into any theological discussion. It is quite enough for me to know that the practice of the constitution has been, and that the law of the country at this moment is, to support that one church which the Legislature has adjudged to be the church of the country. Let the House look at the avowals which have proceeded from members of the Government, and from persons connected with the Government, less vague and insidious than the language of the document upon the table. What were the words of the Noble Lord the Member for Yorkshire, everything proceeding from whom is entitled to the utmost respect, on account both of his straightforward course, and the remarkable ability with which he maintains his opinion? Let the House listen to the words of the Noble Lord, which were so loudly cheered on Friday last:—

> He thought that, in the present state and feelings of the people of this country, the ministers of the establishment were entitled to the larger portion of the grant; but was the state to continue to employ Roman Catholic sinews, or finger the gold of the Socinians, and by refusing to the poorer members of either of these sects, by whom the state so profits, any share of the grant, so shut them out from the blessings of education, and keep them in a state of physical misery and intellectual blindness?

This is the principle asserted by the Noble Lord, which we have to consider; such is the broad statement of the question which we have to determine; and it is my wish to treat this bold statement with the utmost respect. I am not proud and dogmatical enough to suppose that this question is unattended with considerable difficulties. If the state is to be regarded as having no other function than that of representing the mere will of the people as to religious tenets, I admit the truth of this principle; but if we are to hold, as I feel myself obliged to hold, that the state is capable of duties, that the state can have a conscience ——

[Laughter from the Ministerial, and cries of "Hear, hear!" from the Opposition benches.]

Will the Honourable Member for Kendal (Mr. G. Wood), who has himself been so successful during the present Session in advancing the cause put into his hands ——

[Cries of "Hear!" and Laughter, from the Opposition benches.]

—have the goodness to tell me how the principle of duty can be applicable where that of conscience is not? It is constantly urged that it is the duty of the state to give the people education; but

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look at the consequences of this principle. If it be the duty of the state to give education to the people, do not all the arguments that go to show this, tend equally to show that it is the duty of the state to provide them with religion? If it is the duty of the state to endow all the schools, is it not also the duty of the state to endow all the chapels? What difference of principle is there between the two cases? In both cases they endow religion: the only difference is, that in the one case they endow it in a school, in the other case they endow it in a chapel, or a synagogue,—perhaps in a temple or a mosque. The Honourable Member for Dublin has quoted the case of 95,000 Roman Catholics, and asked the House to provide schools for these poor and destitute men who are unable to provide schools for themselves. Why, chapels are more expensive than schools; if it be right that we should provide schools, it is also right that we should provide chapels. If religion taught in schools be beneficial, religion administered in chapels is much more beneficial; if it be the duty of the state to provide religious instruction in schools, Honourable Gentlemen opposite should show me—not by their taunts and jeers, but by calm reasoning—why it is not the duty of the state to establish a system under which all religions shall be equally entitled to support. I have quoted a passage from the speech of the Noble Lord the Secretary for Ireland, whom I respect for the plain avowal of his principles which he has made. The Noble Lord cited the cases of Roman Catholics and Unitarians. I do not wish to say anything offensive of either denomination, for it is not my habit to revile religion, under whatever form it may be presented to me. But what reason is there for confining the Noble Lord's arguments to Christianity? I will read to the House a very curious passage from a petition lately presented from the Protestant Dissenters. It is to this effect:—

> That your petitioners feel the deepest gratitude for the expression of her Majesty's most gracious wish that the youth of this country should be religiously brought up, and the rights of conscience respected, while they earnestly hope that the education of the people, Jewish and Christian, will be sedulously connected with a due regard to the Holy Scriptures.

How is the education of the Jewish people, who consider the New Testament to be an imposture, to be sedulously connected with a due regard to the Holy Scriptures, which consist of two Testaments—the Old and the New? Are the Jewish children to be forced to read the New Testament? That would be directly contrary to the principle of Honourable Gentlemen opposite. I wish to see no child forced to read; but I protest against paying, from the money of the state, a set of men whose business would be to teach erroneous doctrines to the children. The argument of Honourable Gentlemen opposite, on the contrary, is, that wherever there is a community of Jews too poor to provide a teacher of their own persuasion, the state shall be ready, when called upon, to provide a teacher to inculcate the doctrines of that religion.

[Cries of "No, no!" from the Ministerial benches.]

I am sorry to allude to such topics, and I will not pronounce the word which occurs to me with reference to that religion; I will only say that it is a religion which denounces the most sacred truths of our religion not only as forgeries, but as blasphemies. I will carry the argument of the Noble Lord a little further. In India we have many poor subjects; India, moreover, is a country from which we draw vast supplies of wealth. The staple of our relations with that country consists in the receipt of revenue in money. There, millions of our subjects profess the Mohammedan, and millions the Brahminical religion; on the principle of the Noble Lord, on a case of necessity being shown, it would be impossible to deny the justice of their claim to have their religion upheld, and education provided for them under the Minute of Council.

[Cries of "Hear, hear!" and, "Oh, oh!"]

But the Right Honourable and Learned Member for the Tower Hamlets has settled this question for us without the smallest ambiguity or circumlocution, in such a manner as to place his candour in at least as distinguished a light as his personal character or his great parliamentary abilities—in such a manner as to leave no possibility of retreat or subterfuge. The Right Honourable Gentleman has laid down, in language stronger than I can use, that if the principle be good for one case, it must be good for all, and that there can be no exception. The Right Honourable Gentleman has announced that he, for one, is prepared to admit the principle that the state should establish no difference between conflicting religions; that the religion which God has revealed, and that which he has not re-

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vealed, are to be regarded as equally efficacious moral instruments for the reformation and improvement of the human character.

[Cries of "Hear, hear!" from the Opposition, and, "No, no!" from the Ministerial benches.]

There may, indeed, be one answer to the objections that have been urged against the endowment of Dissenters, and the endowment of all religionists, in this country; that is, that the Dissenters demand no endowment from the state at the present moment. But, in the first place, I am bound to say that, in the colonies of the empire, where endowments are accessible, the same objections to receive them are not entertained; and, in the second place, the House ought to consider, not what is the will of the moment among Dissenters, as to their demands from the state, but what is the value and scope of the arguments upon which the demands are founded. What is the predicament of Government? To what are they bringing the country?

LORD J. RUSSELL. — At least, not to bigotry and intolerance.

Mr. GLADSTONE — The Noble Lord would be more accurate if he said, to latitudinarianism and atheism. The predicament of Ministers appears to me to be that of men who live from day to day by shifts and expedients, — of men who use arguments, the real value and tendency of which they are unable to perceive. Well do I recollect, when, during the brilliant period of the short Administration of my Right Honourable Friend the Member for Tamworth ——

[Laughter from the Ministerial benches, and loud cries of "Hear, hear!" from the Opposition benches.]

Where is the man who can deny the proposition I have stated, or apply any other epithet to the period during which my Right Honourable Friend conducted the affairs of the country? At that period I remember that my Right Honourable Friend, when taunted by Honourable Gentlemen opposite as being behind the spirit of the age, well retorted on them, that they were behind the spirit of their own arguments. Now the Honourable and Learned Gentleman (Mr. Buller) and the Noble Lord come forward with plausible arguments as to the benefits of education, with an exaggerated case as to the destitution of instruction, and with a disparaging statement as to the exertions of the church, — and they propose and support a measure which has for its first object to supply education to the people; but the ultimate effect of which, as I firmly believe, would be — to destroy the principle of a religion of the state, and with it the national character of religion, which has, hitherto, been the boast of England.

[Cries of "Hear, hear!"]

Let the Government propose what they have to propose in a distinct and definite form. Let them show that, in calling upon the House to give education to persons of all religions, and to give a religious education to persons of all religions, and to teach all religions in the schools of this country, they are advancing something positively different from the other proposition, which I maintain to be essentially the same, — namely, that of teaching all religions in all the chapels and places of religious worship. Let them do this, and we shall know for what we are contending; but they will not, they dare not, do this. The Noble Lord and his colleagues seem to have learned nothing from their attacks upon the church and the religion of the country. I should have thought they might have remembered the experience of the last four years, and the enormous political advantages which they have given to their opponents by proposing plans which, in the minds of the people at large, were hostile — if not intended to be hostile — to the religion of the country. Year after year, defeated in one plan, they bring forward another; and every time they are obliged to recoil from the assault baffled and defeated. I was in no way anxious to mix in this delicate question, and would have willingly followed the precept of the Honourable and Learned Member who last spoke, who said, "Let us quarrel, if we are to quarrel, on some other subject rather than that of religion;" for it is disgraceful to make that the subject of hostile party attacks: but with you — the Government — must rest the responsibility of making it a subject of hostile discussion. You were not satisfied with bringing forward a plan of appropriation of Irish church property, which you could not carry, — a plan for loading the church lands with the church rates in England, which you were forced to abandon, — you must choose yet another point of attack, and, by means equally insidious and fatal, seek to undermine the fortress which you cannot storm.

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[Cries of "Hear, hear!" from the Opposition benches.]

To merit the assent of Parliament, a plan of education should have two recommendations, — it should be both good in itself, and generally acceptable to the country. I have shown that this plan is bad in principle, and reverses the ancient practice of the constitution on a vitally important subject, — that this plan, instead of leaving the British commonwealth, as described by Burke, consecrated with all who officiate in it, leaves it desecrated and polluted. The plan does not even possess the temporary and partial recommendation of popularity. I will not repeat what has been stated with respect to the church and the Wesleyan Methodists; but I must allude to the case of those Protestant Dissenters who form the chief section of the remainder of the population. Let the House recollect the course taken by this body on former occasions, on the question of the abolition of slavery, and the question of church rates, and let them recollect that there was not a dissenting pulpit throughout the country in which the minister did not declare that a petition for one or other of these objects lay in the vestry to be signed by the congregation. Where are those petitions now?

[Loud cries of "Hear, hear!"]

In political principles these Dissenters agree with Honourable Gentlemen opposite,—and there has been, here and there, a feeble and partial movement; but you have not dared to test the great body even of the dissenting population, because you know that the good sense, the right feeling, and the religious principle of the country are against you. I cannot refrain from reading one short passage which has been already stated in the most able speech of my Honourable Friend the Member for Kilmarnock (Mr. Colquhoun), but to so limited an audience that I may be allowed to repeat it. That passage is from the proceedings of the committee of the Protestant Society for the Protection of Religious Liberty, held on the 13th of June, 1838, and I need hardly inform the House that the disposition of the society is by no means unfriendly towards the present Government. The words are these: —

The committee approves of the discretion which induced the Government not to urge forward speedily a plan which a multitude of persons, under much misapprehension, had resolved to oppose, and would now advise them, as a general rule, to distribute any further parliamentary grant in the same manner as those which have on former occasions been applied, conferring assistance on poor and populous districts, where local contributions cannot be collected under the inspection and guardianship of the National School Society, or of the British and Foreign School Society.

Now what is the meaning of this resolution? If it do not express the opinion, it cannot be denied that is a good index to the sentiments, of the body represented by the committee; and it appears that if they do not distinctly declare their hostility to the plan, they say that, under all the circumstances of the case, and considering the amount of support the plan would receive in the country, they think that the Government ought at once to revert to the system of former years; but with the single exception of a deviation which is perfectly technical in its nature, — that is, they recommend a modification of the rule as to the proportion of the pecuniary contribution required to be raised. They do not call upon the Government to make any alteration touching the application of the grant; but what they say is, — "There are certain districts which are too poor to subscribe, — we would recommend a relaxation of the rule which requires that in every case a sum shall be raised by voluntary subscriptions before any benefit shall be given from the Government grant." But on all the essential points, all that relates to the religious part of the plan, your own friends, after much consideration, solemnly and deliberately advise you to do what is recommended by your opponents, — namely, to revert to the plan that has been pursued with such general satisfaction for the last few years. Would to God that you had listened to the advice your friends gave you! That body, to which you look for support having declared these opinions, surely you cannot hope to carry into effect a plan which must, now, be admitted to be contrary to the general religious principles of the people of this country. You talk of peace and union; but can you expect peace or union will result from forcing forward plans that are discountenanced by the church, — that are discountenanced by the Wesleyan Methodists, — and which the representatives of the other portion of the dissenting body are either afraid or unwilling to countenance. On all these grounds I trust that the House will accede to the motion of my Noble Friend, confident as I am that, whether or not you succeed in obtaining a division in your favour by one of those glorious majorities the Government have

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of late commanded, you cannot carry the vote through Parliament; and even if you could, that its consequence would be to excite greater indignation throughout the country than has been known for many years in the history of this empire.

The CHANCELLOR of the EXCHEQUER. — Sir, I rise to endeavour to reply to the Honourable Gentleman who has just sat down; and I assure him, that in differing from him, as I do, I differ from him with the most entire respect, because I am perfectly sure that, whether as a writer or as a Member of Parliament, no individual comes forward with more frank avowals of what he believes to be right, and no one places his case on a higher or fairer basis, — and I believe no one is more ready to expose himself to obloquy in maintaining his own opinions. But the Honourable Gentleman must permit me to say, with equal frankness and freedom, that the principles laid down by the Honourable and Learned Gentleman, however consolatory to his own conscience, and however consistent with his doctrine of the constitution, are, in my judgment, not only inconsistent with the constitution of England, — not only unsatisfactory to my conscience, — but inconsistent with all received notions of civil and religious freedom. I will, undoubtedly, not pursue the Honourable Gentleman through the topics on which he has touched — I will refer merely to the principles involved in the Honourable Gentleman's speech, and fight the battle on the field he has himself selected. The Honourable Gentleman assumes — and I will use the term employed by the Honourable Gentleman himself in this matter — that the state has a conscience, and that that conscience is to be applied and directed towards a particular purpose. The Honourable Gentleman says that the state, like an individual, is bound to propagate the truth; and that the state, like an individual, is not justified in propagating error. The state, therefore, is bound to apply this principle to religious instruction. Allow me to say, in order to prevent misconception, that no individual can admit more absolutely than I do the necessity of connecting secular education with religious instruction. I believe that a merely secular education would be inoperative for good purposes. In this I entirely agree with the Honourable Gentleman. But then the Honourable Gentleman goes on to say, "But you must adopt such a system as shall make the schools for education schools also for religious instruction, and that religion must be the true religion only." He says, "I cannot be a party to the propagation of a system of error." Well, then, what is the inference to be drawn? If the Government propose schools in which are to be taught those doctrines of religion which are common to all sects, but which, according to Honourable Gentlemen opposite, are but of secondary importance, altogether; then it is said that we are introducing latitudinarianism in religion, and that our doctrines lead to infidelity and to the propagation of atheism. To this plan of general education, therefore, Honourable Gentlemen opposite entertain an entire objection. Will they, then, allow, in common schools, instruction in the doctrines of the Church of England to be given to the children of Churchmen, as well as instruction in the creed of any other denomination to the children of that denomination? No; they will not agree to this; this is intermingling instruction in error. Will they allow that the children of Churchmen and those of Protestant Dissenters should be educated together in the truths of religion, but separately from other classes? "No;" says the Honourable Gentleman, "that, too, would be the propagation of error." But, if the Honourable Gentlemen are opposed to separate instruction in religion, and opposed to common instruction too, why, their principle amounts to this, — that they would educate the children of parents belonging to the established church, but that they will not educate the children of any other sect.

[Loud cries of "Hear, hear!" from the Ministerial benches, replied to from the Opposition benches.]

I say, this is the distinct and logical conclusion from the principles which have been laid down.

[Cries of "No, no!"]

I say yes, yes; and I defy you to escape from it. For what do the Noble Lord the Member for North Lancashire (Lord Stanley) and the Honourable Member for Newark say? Their argument is, "We don't object to educate the children of Dissenters, for we approve of the British and Foreign Society's schools." But mark the fallacy of this pretext. The Honourable Gentlemen admit that they adhere to the British and Foreign Society, not because it educates children of Dissenters, but because it is founded on a principle which is common to the church and to the Dissenters. But will you

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admit of a school for dissent in England?

[Cries of "No, no!"]

No; the argument of the Honourable Member for Oxford, who, at least, is consistent, is this, — the state only is justified in disseminating truth; and that the doctrines of the Church of England are true, and none other.

Mr. GLADSTONE. — The British and Foreign School is for dissent, and that is admitted.

The CHANCELLOR of the EXCHEQUER. — The Honourable Member for Oxford argued the other way. Honourable Gentlemen say, — "We will not tolerate the propagation of error." Well, then, are you prepared to be consistent in maintaining your principle? Will you propose the abolition of the annual vote to the College of Maynooth?

[Loud cries of "Hear, hear, hear!"]

The principles upon which the motion of the Noble Lord the Member for North Lancashire is brought forward, and now avowed by him for the first time, if they lead to anything, lead to the abolition of the grant to Maynooth.

[Loud cries of "Hear, hear!" from the Opposition benches.]

Is the Noble Lord prepared for this? Is the Right Honourable Member for the University of Cambridge, who has so often, as Secretary for Ireland, proposed this vote, prepared now to abandon it? Is the Right Honourable Baronet the Member for Tamworth, who has so often supported it, or the Right Honourable Baronet the Member for Pembroke (Sir J. Graham), who has always approved of it — are they now prepared to oppose it? Yet they are now surrounded by a set of cheerers and supporters. I would, in their case, deny that vote altogether. If the arguments of the Honourable Gentlemen opposite are good for anything, they are good to this extent, — that they take upon themselves to decide, absolutely and completely, upon matters, not merely concerning the church establishment — (although the Honourable Gentlemen have endeavoured to confound two things in themselves widely different) — not only on matters of endowment — not only on what relates to property anciently vested in the Church of England (the principles they maintain must go to this extent), and now devoted by law to a specific purpose: but, as to a parliamentary tax drawn from the pockets of the whole people, the principle the Honourable Gentleman the Member for Oxford University has laid down — and he is present, and will correct me if wrong — is this, — that we are not justified in administering a vote like this for the propagation of what you think is a religious error; and I say, the just conclusion to which you must arrive, if you would be consistent, is, — to refuse the vote for Maynooth. That, I say, is not only the necessary, but the inevitable, consequence of the principle now brought forward. Well, then, what becomes of the next argument of the Honourable Member for Newark? The Honourable Gentleman may say that there is a peculiar difficulty in the case of Maynooth. But, Sir, the principles you now contend for are not limited in their operation to the arena of the floor of this House, nor are they limited to the boundaries of this great island on which we live. They are universal; you must follow them out, and carry them on. The Honourable Gentleman who has made so eloquent and admirable a speech has been, himself, Colonial Under Secretary of State; and if his doctrine be good, it should extend to the colonies. Does not the Honourable Member know that there is a Report now on the table — that a Report has been laid before the country — (that country which, according to the Honourable Member, has a conscience, and which is bound to apply that conscience to the discovery of religious truth, and to teach that truth, and nothing but the truth, in the forms of the church which is the church of the majority, and, as we believe, the true church), — which will show the House how, in practice, this principle has been worked out? This paper contains an account of the church establishments maintained in several of our colonies by the public money. It contains four heads: — first, as to grants of money; and, of course, most largely, we support the Church of England; then we give support to the Church of Scotland; in four colonies we give it to the Dutch Church; and in many, many of the colonies, — I am sorry to harrow up the state conscience of any Honourable Member present, — we give money for the support of the Church of Rome.

Mr. SHEIL. — And of the Jews, in Jamaica.

The CHANCELLOR of the EXCHEQUER. — Ay; and, as suggested by my Honourable and Learned Friend below me, there is a provision for instruction in

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the Jewish religion in the Island of Jamaica. The Honourable Gentleman, as Under Secretary of State for the Colonies, surely ought to have noticed this incident, though, if he had, it would have taken off the edge of many of his arguments. But what becomes of the state conscience now ——

[Loud cries of "Hear, hear!" from the Ministerial benches.]

— the state conscience, bound only to disseminate truth? The Honourable Gentleman says truth is single. Which, then, of these various forms is the truth? All cannot be the truth ——

[Cries of "Hear, hear!" and laughter.]

— and yet you support all. But I will appeal from the fictitious conscience of the state, to the real conscience and the real heart of man, and ask whether we can be justified in leaving the Queen's subjects in distant lands unaided by religious instruction according to their different modes of thinking? When those subjects ask us for assistance, are we to say, "We feel your situation most deeply, but the conscience of the state prevents our giving you any assistance?" But, then, it may be said that this support of instruction, not limited to members of the establishment, to our colonies is one of the terms of capitulation. That is undoubtedly the fact, in some cases; but in all it is not the consequence of the terms of capitulation. There are some of these cases of a very recent period, it is true; others the acts of earlier times; some have been voted in Committee of Supply; but some have received the solemn approval of both branches of the Legislature. I believe, also, — I speak from recollection, and shall be corrected if wrong, — that a provision for supporting the Roman Catholic religion is contained in the India Charter Bill. That Bill received the sanction of both Houses, who were not deterred by any scruples about the "state conscience," the discovery of which was reserved for later times. The Honourable Baronet the Member for Oxford University has used many ingenious arguments to lead us from the real matter, which turns upon the plainest axioms of justice and Christian charity. And I will say that this principle has not merely been affirmed by an annual vote of money in this House, but is affirmed in the India Bill, which passed without objection from the then heads of the church. The Honourable Member will admit their authority, — he will not say they undervalued principle; and yet, to carry out his own argument, he must reject their authority, and the principle on which they acted. But it may be said that these were the acts of former Parliaments, and of the old Whig times. Well, then, I will call the attention of the House to an authority against which there can be no cavil. I had the honour, for a short time, of filling the office of Secretary of State for the colonies, in which my Noble Friend who now sits opposite preceded me. I will not appeal to that Noble Lord's conduct at that time more than to my own. But I will proceed to a very high and distinguished statesman who succeeded me in office. That statesman brought under the consideration of the House — and I presume under that of the Government of which he was a prominent member — a plan for the endowment of Roman Catholic clergymen in New South Wales.

I hold in my hand a despatch written by the distinguished statesman to whom I have alluded on the occasion. It is dated, "Downing Street, 28th Feb. 1835." It proceeds: —

> In reference to my despatch of the 22d of December, apprising you of the intention of Government to appoint four additional Catholic clergymen, I have now the honour to acquaint you that the following gentlemen have been selected, and that 150*l.* are to be allowed to each in aid of their travelling expenses. And you will understand that they will be entitled, from the date of their arrival, to an annual stipend of 150*l.* Dr. Polding is the first selected; he is to officiate as a clergyman, but carries an episcopal authority, and is accompanied by three students, — Messrs. Gregory, Kenna, and Kelly. These latter are candidates for holy orders, but at present only qualified to act as catechists. It is desirable that Dr. Polding should exercise a salutary influence over these clergymen, and I beg you will contrive some means for that purpose. Yours, &c.,
> ABERDEEN.

It is true that the arrangements were commenced under my eye, but were not complete when I delivered over my office to Lord Aberdeen; but the Noble Lord gives, in this despatch, his entire and unqualified assent to the proposition; and, by so doing, must, according to the Honourable Gentleman, have been instrumental in violating the principles of the conscience of the state, and become a party to the propagation of error, and to the backing of pestilent Popish doctrines in that colony. And the Honourable Member, then, unless he can show that the state conscience can be confined within certain degrees of latitude and longitude, — unless he can point out a line of demarcation for religious truth, — must admit that he, himself, and those who acted with him in office, have been guilty

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of violating that conscience, and been parties to the acts he now complains of. The Honourable Gentleman (Mr. Gladstone) was Under Secretary of State at the time. What became of the scruples of the state conscience on that occasion? If you adopt the principle of the Honourable Member, you must retrace your steps; you must join the Honourable Member for Oxford University, in opposing the vote for Maynooth; — that Honourable Gentleman is consistent, he systematically opposes those grants; — and even where the grants are the consequence of Acts of Parliament, you must, according to the principle of the Honourable Member for Newark, immediately propose their repeal. You object to instruction in what you conceive to be error; therefore you are bound to propose the repeal of the East India Charter Bill, so far as it makes provision for Roman Catholic instruction. You are bound to revise your colonial policy, to alter all your colonial establishments, and to declare that all past legislation of a liberal character has been founded in error, — that it strikes at the conscience of the state, as well as at the conscience of individuals, — and that you must pursue, henceforth, an entirely different line of policy. But, Sir, it is not on these grounds that I object to this principle: I object altogether to the assertion, that the education of the people belongs exclusively to the clergy of the established church. I deny that as a principle, above all, when raised and supported as it now is. I am aware that petitions have been presented on the subject. I think that those petitions should be carefully weighed as well as numbered; and that Honourable Gentlemen should pay some attention to the contents of petitions, as well as to the places from which they come. I find that there have been presented to this House 242 petitions, with 26,603 signatures, against any scheme of education not founded on the principles of the established church. I would say that these petitions are consistent, for they agree exactly with the reasoning adopted on the opposite side. They are perfectly consistent with the principles avowed by my Honourable Friend the Member for Oxford University, who will not support any scheme from which the church is to be excluded. I regret that that Honourable Member has left the House. When the Honourable Gentleman taxed the Government with insincerity and delusion, — with saying one thing and meaning another, and similar hard language, — I felt much hurt, not because I am not pretty well used to hard language, but because, on this occasion, it has come from a gentleman for whom I entertain the highest respect. That Honourable Member has charged the Government with saying one thing and meaning another, — with endeavouring to accomplish, by a side wind, that which we could not venture to do directly. Now, Sir, I must, in the strongest language which parliamentary courtesy will admit of, deny the correctness of the charge. On the other hand, I do charge Noble Lords and Honourable Gentlemen opposite with raising one point for discussion, when the real point is a totally different question. Let it be known in this House, — let it be understood out of the House, — that religious truth commands that we should give no education except on the principles of the established church, and that we are now called upon to place the whole education of all the youth of this country exclusively in the hands of the clergy of that church. Now, I contravene the principles which my Noble Friend has shadowed out.

LORD STANLEY. — No!

The CHANCELLOR of the EXCHEQUER. — The Noble Lord says "No!" What, then, did the Noble Lord mean by his quotations from ancient laws, — his extract from Holt, — "that the schoolmaster should be of sound doctrine, and under the control of the Ordinary?" My Noble Friend is too acute a reasoner, too practised a debater, to allow anything to slip from him, carelessly. The Noble Lord, when he made his quotation from the laws of Henry IV. in Norman French, — I am glad that the Noble Lord could not find them extant in English, — when he advanced the proposition that "*La doctrine et information des enfens est chose spirituelle*," — his meaning was, that the children of this kingdom should be confided to the clergy of the established church.

[Cries of "Hear, hear, hear!"]

My opinion is, that the education of the children of the church should be given to the church; and let any man, in this House or elsewhere, oppose that principle, and I will be the man to support it. My wish is, to preserve complete superiority to the established church.

[Cries of "Hear, hear!" from the Opposition benches.]

I do not understand those cheers. We have hitherto endeavoured to discuss this question in a fair and dispassionate manner, and I trust we shall still continue to

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do so. My wish is, to give to the established church the uncontroverted use of its spiritual functions. I think the clergy of that church have a right to claim entire support, protection, and encouragement from the state; but the present is not a time in which I wish to see the clergy take any steps, or be induced to take any steps, of an oppressive character. I am far from inferring that the clergymen should not enter the schools. I believe there is no higher or more important duty which a clergyman can be called on to perform than attending in his own schools; but I will not admit that the clergy ought to have the schools under their exclusive guidance and control. When the First Report of the Education Commissioners for Ireland was presented, one of the suggestions offered was, that clergymen of the established church should visit every school in their respective parishes, within a certain time; but that was most rationally objected to by an intelligent gentleman, himself a Protestant clergyman. He said, "You must not put this duty on us. Leave us to do it of our own free will. Our proper duty is our spiritual duty, and we should not be encumbered with this." I know that it is difficult to attract the attention of the House after such a lengthened debate as has already taken place on this subject; I shall, therefore, confine what I have to say within the narrowest possible limits. Much reference has been made to the number of petitions which have been laid on the table of the House on this subject; and I wish to call the attention of the House to a few facts respecting the getting up of those petitions. I feel sure that Honourable Gentlemen opposite are totally unconnected with the base and disgraceful delusions under the influence of which many of those petitions have been prepared I will undertake to prove that cards have been circulated containing charges against the Government, of latitudinarianism, infidelity, and other crimes, as connected with the present plan. Now, when we come to reason on the subject in this House, we are only charged with "wounding the conscience of the state." This array of crime is not here charged against us. But I say, let those charges come from whence they may, — let Honourable Gentlemen go to the people of England and tell them the truth; — tell them, that they claim that the whole education of the country should be intrusted to the clergy of the established church, — and then let them get the people to sign their petitions, if they can, on the true grounds. I am the last man in the House to undervalue petitions; but I can show the House, on better authority than my own, that there are occasions on which petitions are got up, — particularly on religious matters, — as to which neither the character of the getters-up or the suggestors will stand the test of inquiry. There has been, for instance, a petition got up by clergymen of the University of Oxford on a subject relating to the church. Now, that is a petition in which, above all others, we might expect to find truth, learning, and conclusive reasoning; but no such thing: it appears, as has been stated by a high authority, "that the Right Reverend Prelate presiding for many years over the see of Exeter can command as many petitions, of this nature, from his clergy, as he chooses to call for."

[Cries of "Oh, oh, oh!"]

The House will ask on whose authority I state this? I will tell them; but will read another sentence first: —

"On the subject of petitions generally bearing on church subjects, I must say that, if the parties who oppose the Bill"—(it was the Church Discipline Bill) — "are no better informed than the clergy of Oxford on the subject, I trust their opposition will have very little weight."

He concludes in the following words: —

I entertain the strictest conviction that the petitions which come before you on this subject are full of misstatements, but, certainly, misstatements made without a disposition to deceive. I give these petitioners credit for a wish to support the church; but it will be for the House to judge of the allegations, and to judge, also, of the wisdom, justice, and expediency of complying with the prayers of persons who, however respectable, betray such total ignorance of the real facts of the case on which they petition.

These were petitions from the divines of Oxford, presented against the Church Discipline Bill; and the words which I have quoted are attributed, in a printed book, — I know not with how much correctness, — to his Grace the Archbishop of Canterbury. He states that the petitioners may be very well informed persons, but still they are ignorant of the facts of the case about which they petition, and he warns the House of Lords against giving much credit to their statements.

I wish, now, very shortly, to apply myself to the four principal objections taken by my Noble Friend to the present Government plan; and I take upon myself to say, that I think I shall be able to give some answer to each and all of those objections. My Noble Friend's first objection was to the mode of proceeding. He says, — and his words have been repeated in the debate, — that he objects to

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this vote as the proceeding of only one branch of the Legislature. The Noble Lord has stigmatised it as nearly an unconstitutional proceeding. Why, if we wanted an authority on this subject, it is furnished by the proceedings of the Noble Lord himself. What was his course when he introduced his system of education for Ireland?

[Cries of "Hear, hear!"]

He proposed, and carried a vote through the House of Commons. He did not require the assistance of the other branch of the Legislature; yet, now, he raises an outcry to prop up his absurd delusion, and condemns us as unconstitutional for taking the course he formerly took, himself. But what is still more extraordinary, still more fanciful, still more extravagant, the Noble Lord says we should obtain by this vote the power of establishing an irresponsible tribunal. Why, if ever there was a responsible tribunal, it must be the one now proposed to be formed. It is to be formed by vote of the House, and is one which the House can at any time address the Crown to have removed. But that is not all. My Noble Friend might have some foundation for his argument, if the vote were to be a charge on the Consolidated Fund; but, here, the responsibility will be increased by the money being to be raised by an annual vote. Here, then, is a double responsibility, where my Noble Friend says, that, in point of fact, there is no responsibility; but, perhaps, on the principle that two negatives make an affirmative, my Noble Friend contends that two responsibilities are equal to no responsibility! My Noble Friend goes further; he has promised to expose to the House what he is pleased to call the insidious designs of the Whig Government. He has promised to show these most dangerous designs, lurking in the minute. The Noble Lord urged that the final clause, which is to be added, may contain something that will harrow up the soul of Protestant England. But can my Noble Friend, who has prepared so many Bills, not recollect that such a clause is added to every Bill? There can be nothing more absurd than not reserving to the Council the usual power of altering and amending. But then the Noble Lord urges that Government might go beyond their powers at a time when Parliament should not be sitting. Now, if Government could be so knavish——

[Cries of "Hear, hear!" and laughter from the Opposition benches.]

I should like to know what I am to understand by that cheer? If it be intended to apply that term to those who sit on this side of the House, I will take the liberty of stating to the Honourable Gentlemen opposite, that those who are most prone to suspect are generally the most open to suspicion themselves. Do they not know that the minute could at any time be called for, by the House? and do they not think that, if treachery were intended, there would be an enormous lack of wisdom in such treachery? However Gentlemen on the opposite side of the House may doubt the motives of Government, they might at least trust to our discretion. I have but two words more to say. The principle which has been openly avowed by some, and avowed by inference by all, as forming the great objection to the plan, is one for which, undoubtedly, I can find an authority, which I will make a present of to whomsoever shall succeed me in the debate. The words of that authority are,—

> That the religious education of the people is a duty solely and exclusively belonging to the spiritual authorities of the church, and which the pastors of the church cannot resign into other hands without a breach of duty to their Divine Founder.

This is the principle for which Honourable Gentlemen contend, and these are the words of Dr. M'Hale, under whose banners they are now fighting, and whose authority they quote. It has been said that the principle of united instruction is but a dream; and that the Wesleyan Methodists, and other denominations of Christians, have objected to these minutes of Council because they tend to a united education. I believe there is at least one Honourable Gentleman opposite, who was, many years ago, present along with me at a meeting of the British and Foreign School Society in 1822, on the subject of education, in which the late Mr. Wilberforce took part; and I will trouble the House with a short passage from what Mr. Wilberforce said on that occasion. Mr. Wilberforce said,—

> It has been truly said by those who went before me that we might triumph in getting the better of those little distinctions which keep us asunder, not each sacrificing his own principles, but exercising the Protestant right of judgment, and leaving all to form their own conclusions. It is delightful to see that in this way men of different sects can unite together for the prosecution of their projects for the amelioration of society. In this way, when I unite with persons of a very different kind of persuasion from myself, it affords an augmented degree of pleasure. I seem to rise into a higher nature—into a purer air,—I feel dissolved from all fetters that before bound me, and delight in that blessed liberty of love which carries all other blessings with it.

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This was Mr. Wilberforce's opinion. He did not object to joining in the good work with the Dissenters. There is one other observation upon which great stress has been laid. It is objected that, under the proposed system, there will be an inequality in the system of distribution. I wish, here, that the House would bear in mind that the deviation made from the original Treasury minute was made under the Government of the Right Honourable Baronet (Sir Robert Peel), when a grant was given to a school at Liverpool, at the suggestion of the Noble Lord the Member for that borough, who, I take it for granted, will vote against the present motion. This deviation I did not object to, for it was sanctioned by the recommendation of a committee; but it utterly refutes the objection to the present plan, on the ground of its giving power "to vary the grants" which shall be made. The discretion hitherto confided to the Board of Treasury, it is now proposed to transfer to the Council. That, says the Honourable Gentleman opposite, is all wrong. But suppose it had been the other way, and that the power was proposed to be vested in the Treasury, and taken from the Council. Now, of this board, of the administration of which the Honourable Gentleman entirely approves, a distinguished and most useful member is a Roman Catholic. But then it may be said, "The regulations of the British and Foreign Society make it safe to trust a Roman Catholic; but we can no longer place faith in a body freed from that responsibility." Now, my answer to that assertion is, — and I call the attention of the Honourable Member for Kilmarnock particularly to the point, — that the board has administered, for nearly three years, a grant of 10,000*l.* a-year to Scotland, without limit, without control, without rule, or without regulation to fetter them; and I ask whether there has been a single petition against — whether there has been one word of complaint uttered as to — the mode in which this privilege has been exercised by a body, one prominent member of which is a Roman Catholic? I have endeavoured to show that there is no force, no real force, in the objections to this plan. But I will tell you what effect they are meant to have. They have the power of raising a church cry in the country. Let the Honourable Gentlemen whom I see ranged on the bench opposite beware, lest they are calling into activity a power which they will hereafter wish to see checked. I will say, Sir, there is no subject of any kind introduced into this House with regard to which a church cry is not raised. We cannot get a clause in a prison Bill passed ——

[Loud cries of "Hear, hear!"]

— without exciting the suspicion of the champions of the church. Yes; we cannot get a clause, the principles of which the Noble Lord (Lord Stanley) has expressed his approval of, proposed, without exciting the pious horrors of his supporters.

[Cries of "Hear, hear!" from the Ministerial benches.]

Why don't you cheer now? If Honourable Gentlemen opposite are prepared to say that every one of our debates should partake of a religious character, let us at once desist from applying ourselves to the performance of our highest and best functions, for by this course such an outcry will be raised on every occasion throughout the country as totally to incapacitate this House for temperate deliberation or sound decisions. I have thought it necessary to state my views on this question, because I am persuaded that if, at the present moment, and under existing circumstances, the state does not perform the duty of supplying education to the people, the danger to the state itself is infinite — is incalculable. Why, Sir, you know it — you feel it, — that on matters apparently the least germane to the subject, the question of education is inevitably introduced. You cannot touch on the factory question — you cannot touch on the poor laws — you cannot touch on the state of the criminal law, illustrating, as it does, the deplorable ignorance of the people — you cannot discuss a question relating to the clergy (the active and invaluable religious instructors of the nation, as they are disposed, and ought to be) — without sending before you, the pioneer of education. And yet the course you now take is marked by the gall, the bitterness, the misrepresentation and exaggeration of party politics and party excitement! I hope you will not succeed on a division; but if you do, you will be enabled to boast that you have retarded the progress of education for a longer period than it is possible, now, to anticipate.

SIR J. GRAHAM. — If I consulted my own convenience, I should not venture to rise to address the House at this hour; but, Sir, I feel the importance of the present occasion to be such, that I should not like to give a silent vote; and, inasmuch as we, on this side of the House, have

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been challenged to state, frankly, our opinions, I, not presuming to speak for any other individual than myself, shall state exactly those feelings which impel me to support the motion of my Noble Friend. Sir, as this debate, protracted as it has been, has proceeded, the magnitude of its subject has increased palpably to my view. I am disposed to consider it one of the most important subjects that has ever been debated since I have had the honour to hold a seat in the House. I will not dissemble, for a moment, that I so regard it. I shall not, at this hour, trouble the House with any details of the plan introduced by her Majesty's Government: That part of the subject has been already treated with great ability and perspicuity by those who have preceded me; and I should only repeat the arguments they have used, without adding to their strength, if I were to dwell on this part of the question. But, Sir, I was especially struck by the able, explicit, frank, and manly speeches made by the Honourable Member for Lambeth, and the Right Honourable Judge of the Court of Admiralty, in the course of the two preceding evenings of the debate. They did not rest this matter on details, but opened distinct principles of vast import and general application, on which they rested their support of one or other of the Ministerial measures. Whilst they addressed the House, it appeared to me that the Government acquiesced in these principles; and this evening the speech of the Right Honourable Gentleman the Chancellor of the Exchequer convinces me that I did not misunderstand the concurrence which they so gave. Now, before I address myself to this important subject, allow me to comment for a moment on an observation which fell from the Honourable Member for Lambeth with regard to the speech of the Noble Lord who introduced this motion. That Honourable Member, resting his charge, I think, on two reports of two different speeches made by my Noble Friend in 1834, with regard to the admission of Dissenters to the University of Cambridge, and combining the two, endeavoured to fasten some inconsistency on my Noble Friend, and charged him with having slipped away from his principles. Now, I may be, perhaps, a partial friend of that Noble Lord. I feel quite sure that the Noble Lord states his opinions at all times with that boldness which a singleness of purpose, and honesty of conviction, combined with natural talent, never fail to inspire; and the Noble Lord attacks adverse opinions with impetuous eagerness; but I do think that if there be any charge to which my Noble Friend might, with confidence, plead not guilty, it is that of "slipping away from his principles." And when the heat of the present moment shall have subsided, and impartial history shall write the character of my Noble Friend, I think it will be recorded of him that power, place, ambition — all those ties which generally influence and sway the minds of men — had been broken through, when their tendency was to fetter his discretion on matters of principle connected with religion, in a way which his heart and conscience could not approve of. I beg pardon of the House for what may appear a slight digression; but when it is remembered that my Noble Friend will not have an opportunity of replying, I am sure I shall be excused for referring to the grounds on which the harsh charge of "slipping away from his principles" has been preferred against my Noble Friend, and for referring to what my Noble Friend said in June, 1834, and which was entirely omitted by the Honourable Gentleman the Member for Lambeth (Mr. Hawes).

My object in supporting the principle of the Bill is, to remove the test which now impedes the course of the dissenting student; but I do not wish to interfere with the future statutes of the universities, provided they do not impose this test. I cannot admit, and I hope my Honourable Friend does not contend, that it should be in the power of Dissenters to claim that the statutes should be void because they may in some manner appear to obstruct the privileges given them by this Bill. But I should not be content unless a provision is inserted in the Bill, that no degree should enable any person to enjoy any privileges or right to make him a member of the governing body, or give him privileges in the universities, without the subscription of such test as may be required, which test the universities should be entitled to frame. I know not whether the House will agree with me, but I think the principle which I wish to establish is plain and obvious. I would give to the Dissenters the benefit of instruction, but take away the possibility of evil consequences resulting to the universities, by depriving the Dissenters of all management and control of them.

And to show with what caution my Noble Friend expressed himself, he continued: —

Since I have advocated the admission of Dissenters to the university, I will not deny or conceal from the House that circumstances have since occurred which in some degree altered the opinion which I held at first. I am bound to say that, from the tone they have held, from the pretensions they have put forward, both in and out of the House, and from the ultimate intentions openly avowed by members of their own body, I am justified in looking with jealousy at the measures brought forward for the purpose of promoting the views of the Dissenters.

That was the opinion of my Noble

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Friend in 1834. Now, I should like to know what are the views of my Noble Friend in 1839, since the views and intentions of the Dissenters have been more fully developed. What is the real origin of this motion, but an intention to accede to the views of the Dissenters? Since the year 1834, three several attacks have been made by the Dissenters on the established church:—first, as to the universities; next, as to the church rates; and now, as to the scheme of education. And what is the course pursued, avowedly, by the Dissenters? They have first endeavoured to reduce the church to a level with dissent, and now take the opposite course, and seek, by putting in a claim to endowments, to raise dissent to a level with the church But if my Noble Friend looked with jealousy at the views of Dissenters in 1834, what must he feel now, when he hears their purpose frankly stated, and distinctly avowed, by Members of this House? I think I took down the words of the Honourable Member for Lambeth correctly; and he avowed a principle no other than this,—that all sects had a right to be educated by the aid of the public purse, and that such education should be given to every sect in its own particular creed.

Mr. HAWES.—No, no!

SIR JAMES GRAHAM.—So I understood the Honourable Member. I am open to correction, if wrong.

Mr. HAWES.—If the House will allow me, I will explain. What I intended to say, and I believe what I really did say, was, that the state was undoubtedly bound to educate all the Queen's subjects; but I did not say that it should be in their particular creeds, but that a general education should be given by the state, leaving it to the parties themselves to obtain instruction in their own respective religious doctrines, through the inculcation of their own particular pastors.

SIR J. GRAHAM.—Then I understand the Honourable Gentleman to say that the state is bound to give general education at the public expense,—but leaving each sect to receive religious instruction from its own pastors, or whatever other quarters it may. But that is not the plan of the Government; by the plan, as originally propounded by the Government, normal schools were to be established, where, in the person of the same teacher, moral and religious instruction was to be given. But the doctrine of the Right Honourable and Learned Gentleman I could not mistake; that all sects have a right to be instructed at the public charge by their own instructors.

DOCTOR LUSHINGTON.—No!

SIR JAMES GRAHAM.—That was what my Right Honourable and Learned Friend thought constituted national education. According to my Right Honourable Friend, national education is not available unless combined with religious instruction, and that must be provided, in the creed of the party, at the public expense, or with the aid of the public purse, and that aid must be given without distinction of religious creed. Such was the proposition of the Right Honourable Member for the Tower Hamlets, and to that proposition the Right Honourable Gentleman the Chancellor of the Exchequer has assented. Now, mark! and here is the difficulty in this matter. If this principle be adopted and acted upon,—if the Government arrive at this conclusion,—I say there ceases to be any creed favoured by the state as a national religion? The Honourable Member for Newark proposed a question, which the Right Honourable Gentleman the Chancellor of the Exchequer has carefully avoided. The question was this,—and it yet remains unanswered,—"if you apply aid from the public purse to the education of the youth of the country in dissenting principles, how can you refuse similar aid to the instruction of the adult population? If aid is to be granted to dissenting teachers, how can it be denied to dissenting chapels; and if you endow Socinian schools, how can you refuse endowments to Socinian chapels?" The Honourable Member for Kilkenny shakes his head; I am afraid he has spoken, and that the House cannot have the benefit of his answer. I should like, however, to have some answer to this question from the other side. It has been said that the poverty of particular districts constitutes a claim. But I hold that a large parish, with a large population, at a distance from the parish church, has a stronger right to aid from the public purse than any dissenting chapel. What must be the inevitable effect of this? If you admit these queries, you must admit the inevitable conclusion,—that all religious creeds stand equally with the state; and if you admit that, I say that, on these premises and on this conclusion, the consequence will be, that everything we now reverence and value must be lost and overthrown! I say that the exclusive right of the spiritual Peers to sit in the House of Lords can no longer be defended; the exclusive right of the

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church to collegiate endowment can no longer be defended; the coronation oath can no longer be defended; the exclusion of Roman Catholics from the highest judicial seats, and from the Privy Council, can no longer be defended; and the established faith of the island may cease to be Protestant, and the Legislature of the country may cease to be Protestant. I cannot find that in this proposition of the Government there is any limit of this aid, even to the profession of Christianity; on the contrary, the argument of the Honourable Member for Lambeth and of the Right Honourable Member for the Tower Hamlets — and not only the tendency of the argument, but the positive assertion of the latter — goes to this extent, — that the state would be justified in teaching Jews, and even Mohammedans, and followers of every religion, without exception, however wild and extravagant, in their own particular creeds, at the public expense. It has been pressed on us by the Right Honourable Gentleman the Chancellor of the Exchequer, that I and my Honourable Friends near me are too late in our opposition to this principle; and, arguing from certain extreme points, he contends that we have already violated the principle that our established religion, alone, should receive the favour of the state; and he has asked us on what grounds we are prepared to justify the parliamentary grant in support of the Roman Catholic College of Maynooth? I take it that that is a sufficient ground of justification, which is also the one that I have often heard repeated by the Right Honourable Gentleman himself, — which was assigned for it, at the time of the union between the two countries. Then, as to the cases of a large number of our colonies, — and the Right Honourable Gentleman has referred especially to the grant to New South Wales for Roman Catholics; — why, does not the Right Honourable Gentleman know that by far the major part of the grants which are appropriated to the support of religion in the colonies, are defrayed out of the colonial funds? But I admit that the cases which the Right Honourable Gentleman has cited do trench upon the principle which I maintain. Another Honourable Gentleman has referred to the mixed system of education now in operation under the direction of the National Board in Ireland. I must say that, in my opinion, this plan has not been very successful. I think it has failed. But I must, as relates to a mixed scheme, contend, that there is bad faith displayed on the other side of the House by the analogy sought to be drawn between the plan as applying to this country, and this question founded on the National Education Board in Ireland. When matters affecting the established church are brought on in reference to Ireland, you appeal to the special circumstances of the case, and tell us of the great disproportion between the numbers of the establishment, and of the religious creed of the people; and under those special circumstances you call for our assent to a measure which is a deviation from the strict rule; and I acknowledge, that, pressed by the force of those special circumstances, we have frequently consented, and admitted that relaxation. But now, in arguing this question, you draw an analogy as regards Ireland, and press on us our former concessions, and you call on us to follow out in England that deviation from strict principle which, under special circumstances, only, we have agreed to, as to Ireland. My Right Honourable Friend the Chancellor of the Exchequer says, "Retrace your steps." That is precisely the thing he knows to be impossible. But as it is impossible for us to retrace our steps, let us, at least, be cautious how we take a single step in advance of the position in which we at present stand.

My Right Honourable Friend says, also, that, on this side of the House, we have got up excitement on this question by concealment. He has argued that we have avoided placing the matter before the public on its real bearings; and he calls upon us to avow the truth, — to let it be fairly known to the country that the ground on which we oppose the plan of her Majesty's Government is, that we contend that the clergy of the established church have the exclusive right to conduct the education of all the people. My Noble Friend who has moved the Address to her Majesty to rescind the Order in Council never maintained such an argument. It would be quite impossible that any one, who, in his legislative capacity, had agreed to the plan of Lord Althorp, could argue for such a principle. The plan of that Noble Lord authorised the appropriation of the funds of the state towards the support of the British and Foreign School and the National School Societies. By the principles contained in the plan of Lord Althorp I am prepared to abide. That plan is not generally understood; but a reference to the minutes will prove that the money to be given to the schools conducted on the principles of these two societies was not granted directly for the purposes of education. The plan of Lord Althorp did not sanction the appropriation of the public money for the purposes of education, directly, to those schools. It merely authorised them to receive grants

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of the public money for the purpose of building schools under particular rules and conditions. The grant under that plan is, therefore, neither more nor less than a mere outlay of money to those societies. The matter is a mere vouching of accounts; and the state, under that plan, makes no interference whatever with the matter of the system of education taught in those schools which may be so built by the aid of Government money. And so long as the Government adhere to the principles there laid down,—so long as the grant, in every case, is confined to the amount contributed by individuals, — and so long as the purpose and limitations of Lord Althorp's plan are observed,—I have nothing to say; but I am not prepared, in the present state of this controversy, to advance one step beyond the line of demarcation therein contained.

A good deal has been said on the subject of public opinion in the course of this discussion. The Honourable and Learned Gentleman the Member for Dublin has evinced something like a disposition to depreciate the expression of public opinion expressed in opposition to the plan of her Majesty's Government. He has said that the petitions which have been so presented are paltry in the number of signatures attached; and my Right Honourable Friend the Chancellor of the Exchequer has stated that they contain vague and absurd conclusions; that they have been got up under false impressions and misrepresentations, and are not to be regarded. But if such be the opinion of the Government, — if they really consider that the popular feeling has not been strongly, fairly, and irresistibly expressed, — let me ask what has induced them to withdraw their original plan? Was that a voluntary act? or were they compelled to it? But is it really given up? Is it, in fact, abandoned? or merely postponed for further consideration, to be renewed the moment the present excitement and pressure shall have subsided, and a more fitting opportunity shall occur for its revival? Why, Sir, if this vote be carried, there is nothing to prevent her Majesty's Ministers from carrying out their abandoned plan within three months from the present time. My Right Honourable Friend the Chancellor of the Exchequer has argued that my Noble Friend the Member for North Lancashire was in error when he said that this proposal was to place the grant under the discretionary power of an irresponsible tribunal. My Right Honourable Friend argues that the Committee of the Privy Council are not irresponsible. I, on the other hand, maintain that if you consent to give the Committee of the Privy Council the control of the public money, you will, with your eyes open, vest it in the hands of persons possessed of a perfectly despotic and arbitrary power. What can be more thoroughly irresponsible than the plan proposed? They are no longer to be tied down by the rules which have been prescribed in relation to the grants to the British and Foreign and National School Societies; but there is now to be an express irresponsible discretionary power reserved, to give a portion of the public money, to any amount within the limit of the whole, to such schools as the committee may see fit, without distinction or preference of religious creed or private contribution. I should have wished to have trespassed at greater length on the attention of the House, had I addressed it at an earlier hour; but there are one or two points, which have presented themselves in the course of the debate, to which I am desirous still more particularly to refer. I must, however, be allowed, first, to observe, that nothing is so painful to me as to discuss in this House, or in any popular assembly, questions of theological controversy; and it would be especially painful to me to do so irreverently, or in a way that might, by possibility, wound the feelings of any man. I know there is a great diversity of opinion upon this subject, both in this House and in the country, and nothing would grieve me more than to give pain to others. But it has been asked, what is meant by "truth?" It is the duty of the state (you say) to uphold true religion; and then the question is put,—What does that imply? What, in fact, is true religion, or the "truth?" No one can admit more distinctly than I am prepared to do, that no one sect has a right to assume the knowledge of the truth in a manner offensive to the other portions of the community. I am ready to contend that man is not responsible to his fellow man for the nature of his religious opinions. For those opinions and those sentiments he is answerable to his Creator alone. I glory in the name of Protestant, notwithstanding certain *Tracts for the Times* that have been alluded to; and it is a ground of proud pre-eminence in the Protestant creed, that it repudiates all interference with the peculiar belief of any man, and leaves every one perfectly free to his own private interpretation and judgment of the sacred truth. This is the true ground of toleration, — that man is not responsible to man, and that it is presumptuous for any man to say that the creed of his fellow man is false. I will

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not detain the House by a detail of what are the principles of an established religion. It is enough to remark that those principles are adverse to the admission of the plan of her Majesty's Government. This plan views no religious creed with favour; it goes to admit an equality of right for state endowment to all. The moment this doctrine is admitted, a paramount state religion is at an end. Now, in this country, the state has chosen the religion of the established church to represent the Government in religion; but in selecting that particular creed, the state still permits each individual to be guided, in matters of belief, entirely by the dictates of his own conscience. The moment, then, you go beyond this, and admit the right of the civil magistrate to apply the public money, not in accordance with this view, but as circumstances and his discretion may seem to warrant, then you put an end to the established church, — the existence of which I believe to be essential to the peace, the happiness, and prosperity of the entire community. Such opinions are not inconsistent with perfect toleration; for perfect toleration is satisfied by an admission of all classes to a full participation in the civil rights of citizenship, without reference to religious creed. But go one step beyond this,— apply it to religious matters,— and you admit a principle inconsistent with the maintenance of an established church; — the essential principle of which is, — preference by the state to one religious creed, without any interference with the rights of conscience in others.

[Loud cries of "Hear, hear, hear!"]

I will state my opinions without concealment, whether they be acceptable to the House, or not. I am prepared to go to the extent of complete toleration. To this extent I think we have already gone in this country, and somewhat beyond it. To recede, now, is impossible. That is undeniable. But to advance a step further would be, in my view, most imprudent, especially when we consider the avowed latitude of sentiment of Honourable Gentlemen opposite, and which, on this question, at least, seems to be adopted by her Majesty's Government. I know there are many persons who think they can accommodate the difficulty attending the application of those doctrines, as regards a state religion, by the adoption of a middle course, and that they are able to introduce a kind of arbitrator between God and man; but such opinions I deem visionary and impracticable. The great characteristic of the present day — the prevailing national evil — is a constant thirst for change and love of innovation, which stamps the features of the restless and superficial generation to which we belong. I say, then, we ought to proceed with peculiar caution. I do not think the Government, generally, is a matter of compromise; but compromise in religion is inadmissible, since not temporal, but eternal interests are at stake. I am for encouraging, by private means, a system of education; but I am afraid it would be difficult to adopt any system of national education upon a combined plan. It is strictly true that the experiment has been tried abroad, and has signally failed.

[Cries of "No, no!"]

It has failed in Prussia; but I will not go into that subject, as both the Honourable and Learned Member for Dublin and the Honourable Member for Waterford (Mr. Wyse) have admitted that it has been abandoned abroad as impracticable; and now it is about to be adopted here. I believe, however, that if it be adopted, the most lamentable evils will result from it. And, after all, what is the religion of the state? I will say, in the presence of the Honourable Gentleman opposite, and I am sure it will not be denied, that religion is one of the pillars of civil government: if you shake that pillar, you shake the Government; and if you overthrow it, you destroy the Government under which we live.

[Cries of "Divide!"]

As the House is impatient to divide, I will detain them no further. But my earnest desire is, that this proposition of the Government, which I look upon as dangerous, should now, and at once, be intercepted by a vote of the House. I agree with my Noble Friend (Lord Stanley) that the objection is not as to the vote of money; the root of the evil consists in the Committee of the Privy Council. Whilst this exists, there will be no security; and I therefore am most anxious that the House should humbly address her Majesty, praying her to rescind the Order in Council appointing that committee——

[Cries of "Divide, divide!"]

——believing that by that course she will best consult the temporal and eternal interests of the people.

LORD J. RUSSELL. — At an earlier period of the debate I should certainly

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have thought it my duty to endeavour to vindicate the plan of education proposed by the Government from the various and numerous misstatements and misrepresentations to which it has been subjected in the course of the present discussion; but their great variety and number deter me from entering on the task, and I feel, at this late period of the debate, that I shall trespass sufficiently, if not more than sufficiently, on the time of the House, in calling their attention to the principles which have been called in question by one side and the other, and endeavour to show how far those principles are contained, or not, in the plan under the consideration of the House. The Right Honourable Baronet who has just sat down has, I think, very incompletely, and very inefficiently, answered the arguments of my Right Honourable Friend the Chancellor of the Exchequer. The Right Honourable Gentleman has — not fully, I admit — but, I think, by implication — answered the question whether it is now to be asserted that the principle to be hereafter declared and maintained by him and those who agree with him on the other side, that no system of education is henceforth to be supported or encouraged by the state, except that which is under the control of the clergy of the Church of England. The Right Honourable Baronet, I say, very nearly arrives at that conclusion; because, while he professes the principle of toleration to all sects, he says, in the same breath, that he will consent to no grant of the public money for the purpose of affording instruction in dissenting principles, or any instruction other than that which is consistent with the doctrines of the established church. Sir, from that principle I totally and entirely dissent. You may adopt the principle laid down by the Noble Lord the Member for North Lancashire, deduced from the enlightened times of Henry IV., — that to the church, and to the church only, should be left the education of the people; but by that must be meant an education conducted as the church would have conducted it, and supported and maintained by her own estates, her own funds, her own colleges, and without asking in a Committee of Supply for a vote of the public money, which at that period would not have been asked for. But when once you establish the principle, — which, by calling for a grant of the public money, I think you have established, — that education ought to be promoted by grants of the public money, and say that out of the public taxes should come the funds for the support of education, and the improvement and promotion of schools, — then I maintain it is no longer consistent with public justice, that any person, on account of his religion, should be debarred from the benefit of the public grant, and that because you give them means which at the time may be unpopular, and because you object to their mode of faith; that therefore you should debar them from deriving those effects and those advantages from the public money, which you take indiscriminately from their wealth, their means, and their resources, as well as from the resources of those who are members of the established church.

In asserting this to be the principle which I maintain, I do not think that I am departing, in the least, from the true and just principles of an established church. I hold that, having an established church, she may, in all her church places where her ministers can do so, very properly adopt the teaching of the established religion; but I do not think that schools supported by the state should come under that denomination: therefore, while I applaud and admire the efforts of the church during the last year to promote education, I utterly deny that any grant of public money should be bound by any such principle, or be confined to any such exclusive religion. I think it is legal and just in the members of the church to say that it is necessary to teach their own doctrines in their own schools; but I deny that, in proposing a grant of the public money for the purpose of general education, we are to be bound by any such principles, or that we are to lay down any such exclusive rule. It is a different matter in what respect, too, this principle is to be carried into effect. There were certain objections made to the first plan of the Government; but let it be observed that one of the main objections, and which the Noble Lord opposite stated in the commencement of his address to the House, but which was founded entirely in misapprehension, was an objection founded on the notion that the principle with regard to the teaching of religion which was to be adopted in the normal schools was to be the principle and model of all the schools in the kingdom. Now on that subject I will venture to read a passage from a speech that was delivered by me in this House in February last, when I gave an outline of the scheme of education I intended to propose. I said, —

It must, I think, be obvious, that any Government attempting any scheme of education would find it very difficult to do so, because the ground has already been partially occupied in parts of

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the kingdom by societies who have already taken the subject in hand, as also in parts by the established church, and in parts by the Wesleyan Methodist and other dissenting societies, who all promote courses of education according to their own religious opinions. I think, therefore, that it would be impossible to frame any one scheme of education which should supersede and embrace the objects of all those schemes and institutions already in operation. I think that such a thing could not be done without offering a degree of violence to the feelings of the people of this country, unsuited to the character of our constitution, and likely to render such a scheme unsuccessful, if attempted.*

And yet, notwithstanding this passage, which, I think, contains a clear declaration of our intentions and opinions, it has been represented that such was the scheme of the normal schools, and that those were to form the model of all the other schools in the country. Some Honourable Gentlemen have talked very much of the difficulty of carrying into effect any scheme of religious instruction which should be suited to schools, and at the same time adapted to each particular sect; and the Noble Lord the Member for Dorset spoke for about half an hour as to the term "general religion," his only objection being that the term "general religion" was not to be found in any part of the plan against which he was speaking. But this difficulty, which appears to be considered of such magnitude, is already overcome in many of the schools of this kingdom; not only by the British and Foreign School Society, to which I have for many years belonged, and whose principles I adopt, but by many of the established church. I have been told that in these schools the rule is, that the Scriptures shall be read on the week days, and the examination in the Church Catechism be reserved for Sundays, so that Dissenters may send their children to their own places of instruction on the Sabbath. So far, therefore, from this being an insurmountable difficulty, it is one that is overcome every week in the year, not only by those whose plan the Government are said to adopt because it is not religious, but by clergymen of the established church, who wish to instruct the people of their parish, and yet make allowance for the opinions of Dissenters, without uncharitably excluding them from their schools. I do not wish to go into the phrases that have been objected to with regard to the first plan; but I am ready to declare that the principles on which that plan was founded were sound, and I am ready to defend the mode in which it was proposed to carry that scheme into effect.

* See MIRROR OF PARLIAMENT, Sess. 1839, p. 137. col. i.

But Honourable Gentlemen have, in this House, gone far beyond what is said by the ministers of the established church. We have been told, in this debate, as a proof of the irreligious tendency of the scheme, that anything might be taught in the schools which did not apply to the Church of England or any particular dissenting sect. Do Honourable Members mean to say that there can be no religious instruction except that which carefully marks the distinction between members of the Church of England, the Wesleyans, and other Dissenters? Now, there is one book which I think no person will object to my quoting; it is *Dr. Paley's Evidences of Christianity*, and in that work Dr. Paley says, at the conclusion, "I have carefully framed my arguments in such a manner as not to offend any class of Christians, or those who hold any peculiar tenets, but who agree on the general points of Christianity." Now, if this book, which any person may be glad to read and draw instruction from, and which we are told was written to prevent infidelity, is not to be objected to, from being general with regard to adults, to whom it is directed, why may not the same general system apply to children under fourteen years of age? In some instances I have heard that it is necessary, even with children under seven years of age, to teach the differences of creed between different sects. I have heard this asserted; but I doubt whether it is so necessary, and whether instruction might not be given for several hours, on each day in the week, without marking these distinctions. But I can mention, also, other authorities, and I will quote one, in refutation of the charge of irreligion as advanced on this ground against the system of education we have proposed. There is a work in existence, written by a divine, not of our church, I admit, but still not the less universally revered for his piety, his learning, and his virtue. I mean the Abbé Fénélon. He has written an admirable treatise on the subject of education, in which he refers to the mode in which religious instruction should be given — not in a formal manner, as a catechism learned by heart, — but that the curiosity of the pupil should be excited, and the thoughts of the child drawn to the subject to be learned. It has certainly been said of this work, that it is a proof Fénélon was not a good Roman Catholic; because, in this work of his on the education of female children, he did not insist on the restrictive doctrines of the Roman Catholic church, but seemed to be more anxious to impress on

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his pupil general Christian principles, than to point out the differences between the Roman Catholic and the Protestant creeds.

Having referred to the authorities of Fénélon and Paley, and having imbibed our errors from the writings of such men, I confess that I would still rather bow to them than to the new doctrines of the Honourable Gentleman opposite. The Honourable Gentleman the Member for Newark, who has spoken to-night, maintains, with other Honourable Members, the exclusive doctrine. I said at the time, — though somewhat irregularly, I admit, — that such doctrines would lead to persecution and intolerance. I said so because it is clear, from what the Honourable Gentleman has said to-night, and from what I have read of the Honourable Gentleman's writings, that his objection does not apply only to this new grant of education, but to the religious liberties which are already established. But, then, the argument is, that these latter were respectively matter of capitulation and of treaty which cannot now be violated; but the Honourable Gentlemen refuse to be bound by the principle, and they refuse to admit it. There is no part of the religious liberties of this country, from the passing of the Toleration Act to the present time, against which they do not, in effect, protest, and to which their principles and opinions are not opposed. There is another part of the question with regard to the principle which is now proposed, — to the way in which it is intended to carry it into effect. It is a principle which Honourable Gentlemen opposite do not entirely differ from, — they seem almost ready to admit it. For what we propose is, that the grants should be made to the National and to the British and Foreign School Societies, and that it should not be allowed to schools not connected with those societies, except — (and this exception will refer to a very small portion of the grant) — in cases where these schools do not exist, and there are other societies' schools, — or where, from the poverty of the place, there are no schools at all, — and, in such cases, we propose, also, to grant certain aid in proportion to the necessity of the particular case. There are some Honourable Gentlemen opposite, who would not, I think, deny that principle; but they deny the second principle we propose, — and this is the difference on which the vote of to-night is called for. "It is very well to adopt the plan of instruction," say they, "when the fund is administered through the medium of the Board of Treasury! The Chancellor of the Exchequer sitting at the Board of Treasury is a very harmless person; but the Chancellor of the Exchequer sitting at the Board of Privy Council is a very dangerous person!" I do not mean to contend that the plans are identical, — that there is no difference between the one and the other. But the principal change is, that there is to be a future inspection of the schools, and that reports are to be made as to the manner in which the schools are conducted. I think that it is a great misfortune that a great portion of the education which is now given in this country — (and here I do not speak with reference to the church, for I do not wish to blame, on the one part, the church, for what has been done for education, nor to blame the two great societies on the other) — is not what is properly called education; — it is a certain degree of instruction which enables the pupils to read and write, and to cipher; but it does not affect the hearts and the minds of the persons instructed. Therefore it is not sufficient to tell me that 590,000 persons are educated in the two societies' schools, and that more than a million attend the Sunday schools; for I am obliged to say, from all I have heard, and from various reports which I have seen made to the Government and to Parliament, that the quality of the education is not at all satisfactory I might read numerous passages from reports on this subject, but I will confine myself to one or two from the reports of the chaplains of gaols, who are members of the Church of England, pursuing their most useful and meritorious duties. The chaplain of the gaol at Lancaster says, in his report of 1838, —

> Five hundred and sixteen prisoners were quite ignorant of the simplest truths; 995 prisoners were capable of repeating the Lord's Prayer; 37 prisoners were occasional readers of the Bible; only 7 were familiar with the Holy Scriptures, and conversant with the principles of religion. Among the 516 entirely ignorant, 124 were capable of repeating the Lord's Prayer. This last table corresponds in its general features with that of last year; and I can add little to the observations which I then made upon the subject of ignorance in religion, unless it be to state that very few of the whole 1129 persons — probably not more than 20 or 30 — have habitually attended any place of divine worship. This estimate will be most undisputed by all those who have observed the almost general desertion of the house of God by that portion of the working population which consists of males in the prime of life; and I think that if the subject were investigated, it would appear that this desertion is in the ratio of the density of the population. Village congregations will be found least obnoxious to this remark, and those of large towns most so.

Now, Sir, I would ask whether this is

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not a dreadful peculiarity in the state of society? Is it not dreadful to think that where there are the most criminals, and where the population is the densest, and where there ought to be complete education, the house of God (by which, no doubt, the Reverend Gentleman means "all" places of religious worship) is deserted by that portion of the population which consists of males? And I would also ask whether it is not desirable that the serious attention of the House should be directed towards doing something by which the instruction of the people may be further promoted? I cannot say that I think much of the objection, that in one place we shall be instilling some portion of the doctrines of the Roman Catholics, and that, in another, the rules of Socinianism may be taught; for there is the great and countervailing advantage of imparting knowledge, and of giving instruction to thousands, in the simplest elements of religious truth. And even if I agreed with the Honourable Gentlemen opposite in their opinion of the character of the doctrines of Roman Catholics and of Unitarians, yet I should not be prepared to say that there was not more danger of promoting practical infidelity by total ignorance, than of infidelity gaining ground among a dense population of artisans and labourers, who were forced to earn their daily bread, by the specious and theoretical influence of refined arguments, which rarely reach the heart and soul of more than a small portion of the community. I have given one extract from the opinion of the chaplain of the county goal of Lancaster, and I must beg leave to read another from a report which I have received, unasked, only two days ago, from a clergyman, whom I have never seen, but whom I have, on account of his merits, and for his high character, appointed to the situation of chaplain to the prison for juvenile offenders at Parkhurst. In that report he says, —

In reviewing and digesting the details exhibiting the religious and moral condition of the prisoners on entering Parkhurst Prison, one point has (even with the present limited number) forcibly struck my attention, — and that is, the comparatively large amount of acquirement in mechanical elements of instruction, by means of which that condition is improved (the art of reading and repetition from memory), contrasted with the lamentably small degree of actual knowledge possessed either of moral duty or religious principle. This appears mainly to have arisen from the meaning of the word read, or sounds repeated, having rarely been made the subjects of inquiry or reflection. The following digest will in some degree illustrate this position: — Your Lordship will perceive that, although 58 prisoners can in some degree read, 83 repeat some or all of the Church Catechism, and 43 possess some knowledge of Holy Scripture, only 29 (exactly half the number of readers) can give even a little account of the meaning of words read or sounds in use. And of these it often appears to be the strength of the intellect, exercised at the moment, and not the result of memory, that leads them to the meaning of a word. A few of this class are included in the number not able to read. Another feature of the moral condition of the Parkhurst prisoners cannot but arrest the attention strongly, and that is, the very large proportion that have received instruction for a considerable period of time in the various schools with which our country abounds. A digest of this portion of the general table will show that out of 103 lads, 95 have attended schools, 70 of whom have been day scholars for terms longer than a year, 8 only having never been at school; and of the 51 prisoners with whom the prison opened, and who formed the subject of my February report, only two are in that condition. Two of those mentioned to your Lordship as being such, I have since ascertained have been at school.

Now, Sir, I say, that what really deserves the attention of the House is, that though, under the present system, many are able to read and write, and have received the elements of education; yet that what is wanted, and what we ought to attempt, is, to give such instruction as will excite the intelligence of the children, raise their curiosity, teach them the meaning of the words they read, and implant in their hearts those doctrines which are to be their guides through life. Then, Sir, if this be the case, am I so much to blame, because I say that in continuing the grants for public education, the Committee of the Privy Council should not merely give the money in proportion to some financial statement, of the amount of subscription raised, or of the quantity of brick and mortar that may happen to be laid upon the ground, but should ask for an inspection, and for a report of what is actually taught and learned in the schools? I think that there is this great distinction between the modern and the ancient art of teaching — for though it was followed by great men in other periods, yet it was never brought down to the poorer classes till late years; — the great distinction is, that instead of burdening the memory, and rendering learning irksome and disagreeable, the modern system teaches the child to instruct himself, and to follow with curiosity the lesson which he learns, so that, if he be afterwards asked by his master as to what he has learned, he will be able to describe it: this system not only prevents the irksome school exercises which have been hitherto taught, but will apply to the instruction of the child in morals, and in religion, and in useful arts. But even all this is misrepresented; and because we desire to obtain such an advantage for the people, it is said, — "Oh! you want, by inspection, to frame and lay down

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rules and regulations with respect to religious instruction." Now, except in the model schools of our own, it would not be just, and it would be almost impossible, to establish regulations for religious instruction: but what we may do is, — we may inquire and ascertain in what manner the children are taught the meaning of words, and in what mode their lessons are communicated to them; — for if the method of teaching general lessons be good, there will be a strong presumption that the religious education will be good; but if a low and ignorant and coercive mode of instruction in secular matters be used, the religious instruction will not be likely to be of such a character as to improve the conduct of the child in future life; the seed will have fallen on barren ground, and the instruction will be of no use. On these grounds we have proposed the Committee of the Privy Council: these are the reasons on which we have based our plan. It contains two principles, which I think any plan for the improvement of the education of the people ought to combine. In the first place, it is not declared that the education shall be confined exclusively to the children of Churchmen; but, so far as the grant will go, it shall be extensive and useful to the people, generally, to whatever religious sect they may belong. Of course the greater portion of the fund will be applied to the members of the established church, which have the greater number of schools.

The second point in the plan is, that it will give a good and efficient system of inspection. This is not a plan that proposes a new scheme of education to extend throughout the country; but it is a plan which, by bringing the subject of education before Parliament from year to year — (so far is it from being irresponsible, and out of the control of Parliament) — by submitting it to Parliament every year, will tend to make the great subject of education a subject of interest and concern on the part of the state, which it never hitherto has been. I feel the extreme difficulty of bringing forward a plan of education which may not only not excite misrepresentation, and become the subject of a party struggle, but which will not, also, excite the conscientious scruples and fears of persons of excellent intentions. I am aware of the obloquy to which any plan of this kind is exposed; and I trust the House will allow me, before I sit down, to say a few words on a subject which has pressed much on my mind in the course of the last fortnight. When I recollect the conduct of former Governments, — of Governments which existed twenty or thirty years ago, — I think that, if, following their example, we had, at the commencement of the Session, endeavoured to create alarm at the proceedings of the Chartists, and had excited the fears of the country by proposing to suspend the Habeas Corpus Act, and by bringing forward coercive laws, — it would have been found that a Government raising such a feeling of alarm might, without much difficulty, have obtained the sanction of Parliament to such coercive measures, and have succeeded in putting down all opposition. But it has been my anxious wish, nay, my anxious labour has been, — without any alteration of the law, and without attempting anything of that sort, — nay more, being determined not to ask, till the last moment of an imperious necessity, for any suspension of any of the constitutional rights of the people, — to meet, to encounter, and to subdue the apprehensions which for a time have menaced the peace and security of the country; but in doing so I have been convinced that every and any occasion should be taken to secure the public peace, by improving the state of instruction — by advancing the religious feeling and the moral condition of the people of this country. Because I am satisfied, that however such laws as I have alluded to, if they had been proposed and carried, might have subdued discontent for the moment, — I say I am equally convinced that the only permanent security for the country is to be found in the general knowledge of the people, as well of their religious duties as of their moral obligations, and of their fortunate state in being subjects of this free country. I feel, Sir, that in taking this course, and in making this attempt, I have had more opposition to encounter than I should if I had taken the other course, and had proposed measures of severity and of coercion. But, Sir, I do not mind the opposition I have encountered. I am not to be deterred by the taunt of the Honourable Member for Newark, who said that he wondered why, when we have been defeated in our former scheme, we should attempt another which is equally objectionable to Dissenters and to Churchmen. Although, Sir, my first plans were thwarted and defeated, — at which the Honourable Gentleman, no doubt, rejoices, — I recollect that it has happened to me in former years to succeed in striking off from the Dissenters the degrading fetters of the Test and Corporation Acts.

[Loud cries of "Hear, hear!"]

I am quite prepared for opposition to

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plans of this kind, — I am quite prepared to find that when they are first proposed they shall be misunderstood and misrepresented, and that even the "No Popery" cry shall be revived and burnished up afresh, — not, Sir, I fear, for the last time. Let the Honourable Member for Newark take pride in such victories; but I do not believe that he will succeed in reimposing the fetters which have been struck off: and, Sir, I am fully convinced that, on further examination, the great cause of education, not only of the members of the Church of England, but of the whole community, will prosper and flourish, — that the happiness of the people will thus be secured, — that the degrading pictures which have been drawn of the year 1839 will be deemed the pictures of a past time, — and that the only wonder will be, that they could ever have been a true representation of the state of England.

[Loud cries of "Hear, hear!" from the Ministerial benches.]

SIR R. PEEL. — I shall not, Sir, be sorry to escape from the discussion of some of those more important topics which have been adverted to, — not because I undervalue their importance, but because I consider many of them much too weighty for discussion in a popular assembly; neither shall I undertake to defend every opinion which has been advanced in the course of this discussion. But I mean to confine myself rather to the consideration of the practical merits of the proposal upon which we are called upon to decide, than to consider whether the opinions advanced by my Honourable Friend the Member for Newark (Mr. Gladstone), or any other speculative opinions which may have been delivered, are sound, or not. If I did enter — at this time of night — into the discussion of such speculative opinions, involving so many various considerations, do I not know that I should be imitating the example of Honourable Gentlemen opposite, and diverting the House from that which is the practical question now under debate, ——

[Loud cries of "Hear, hear!" from the Opposition benches.]

— namely, whether or not it would not, on the whole, be best that the Noble Lord's motion should be acceded to, and the Crown addressed to rescind the Order in Council of the 10th of April, by which the Committee of Education was appointed? That is the practical question to be decided this night, and I give my hearty concurrence to the motion of my Noble Friend, and will not follow her Majesty's Government and other Gentlemen on the Ministerial side of the House, who have been anxious to shrink from the consideration of this question, ——

[Cries of "Hear, hear!"]

— or of the plan proposed by them. I object to the scheme of her Majesty's Government on three or four distinct grounds. First, I object to the course proposed to be adopted, in calling on the House to decide so important a question as that of laying the foundation for a system of national education by a single vote of the House of Commons. The Right Honourable Gentleman has quoted some former votes by which sums of money have been placed under the control of the Government without asking for the advice or opinion of the House of Commons. But does it follow, because upon uncontested points those concessions have been made, that we must decide the whole question of national education for England in a similar way? If this do follow, then I would advise the House to beware of making any further concession. If these slight analogies are to be hunted out for the purpose of calling upon the House, in consistency, to adopt such a proposition as that now before us, you may depend upon it that any concessions you may now make will be appealed to in favour of future concessions infinitely greater, and you will be told that after the concession of this night, any objection will come too late, for on this very night it ought to have been urged. The Noble Lord says this is only a scheme for the inspection of schools, and that the object of the Committee of the Privy Council is merely to superintend the distribution of the grants. It is very well for the Noble Lord, now, to give this character to this Committee of Council; but what was the original object of it? The original proposal, on the 4th of February, was this; — that five of her Majesty's servants should form a board for the consideration of all matters affecting the education of the people. What if I had proposed, in 1835, that five of the members of the then existing Government should form a board for the consideration of all matters affecting the education of the people? what would the dissenting body of this country have said to it? Do you not think it would have provoked their apprehension and alarm? Would you not have called upon the House to respect their feelings and

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opinions upon the subject? And would you not have said that those feelings of alarm were perfectly justifiable? Then, if the members of the establishment feel similar alarm at the proposal now made, —if they think that it is not fitting that the education of the people should be intrusted to a Committee of the Privy Council, which excludes every member connected with the church, and that it is in principle open to objection; — in that case, I say this question assumes a new character, and that it is not proper to decide upon it absolutely by a single vote, taken in one night, with a narrow majority. According to your reference to former concessions, you may, by this measure, be laying the foundation of an extensive scheme of national education.

Your next step, perhaps, may be at a great interval from the present: but if her Majesty's Ministers can now appeal to the vote for Irish education, or to the speech of my Noble Friend (Lord Stanley) with respect to the admission of Dissenters to the universities, in justification of your present proceedings; and if you feel warranted in calling upon the House to assent to this scheme in consequence of the concessions already made;— I can well foresee that three years hence you may be able to say that the scheme now proposed and assented to, was only the foundation for a general scheme of education, and that those who had permitted that foundation to be laid would have no right to object to any extension of it.

[Cries of "Hear, hear!" from the Opposition benches.]

I object to this Committee of Council being composed exclusively of members of the executive Government. In strictness, it is not a Committee of Council, as it has been called by many of my Honourable Friends, but it is a committee of the executive Government of the country. Now, the executive Government have other duties to perform, and other interests to consult. The executive Government may feel it to be their bounden duty to make great concessions for the purpose of retaining their offices ——

[Loud cries of "Hear, hear!" from the Opposition benches.]

— not, I beg to say, from any unworthy or interested motives.

[Cries of "Hear, hear!" and laughter.]

No; I will give them the benefit of that concession. But, nevertheless, they might feel it their paramount duty to remain in office in order to support the prerogative of the Crown.

[Cries of "Hear, hear!" and laughter.]

I admit that your motives may be pure and honourable. But you do not constitute a board independent of party or of political considerations; but a board exclusively of members of the Government, who may at any time, in order either to promote certain great interests, or—(for how should I know?)—to rescue yourselves from the danger of dismissal by this House, feel it necessary to make greater concessions on the subject of education. How do I know that a body, having different interests and different views from one day to another, may not consider the question of education subordinate to those graver considerations of keeping themselves in office, and keeping out opponents, whose accession to power they may deem dangerous. I have a fair right to argue this question from a constitutional jealousy, which I am at liberty to entertain, with respect to the executive Government, without any reference whatsoever to individuals. I am entitled to consider to what abuses a board constituted as this is to be, may possibly lead. What have I seen within the last fortnight? Giving you the fullest benefit of purity of motive, — conceding to you that your motives were most pure, and your views most enlightened,—what have I seen? Have I not seen you assume office after a declaration that you had lost the confidence of the people?

[Loud cries of "Hear, hear!" from the Opposition benches.]

What was your defence? That state necessity justified it. But might not the same necessity call upon you to make some concession on the subject of education? Take the case of the Ballot.

[Renewed and long-continued cries of "Hear!" from the Opposition benches.]

Last year it was not an open question; this year it is an open question. And why? Not from any conviction on your part as to the abstract merits of the question, but because the concession is essential to your views with respect to those large and comprehensive interests of the country which are involved in your maintenance of power.

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[Laughter, and cries of "Hear, hear!" from the Opposition benches.]

Is, then, the Government a body which ought to furnish grants relating to all matters that affect education? An Honourable Member opposite has bid the Government be of good cheer; he has encouragingly told them not to be alarmed; "for," said he, "you have done more to recommend yourselves to the liberal representatives and the liberal constituencies of this country, by this plan, than by any other measure which you have brought forward." Is it so? But may not the execution of the measure be as necessary as its proposal? I do not know whether the very same members of the executive Government who now form the Education Board, may not also form a committee to whose efforts may be intrusted the securing of a liberal majority in case of a dissolution of Parliament. Suppose, then, that it should be suggested by one of the members of this committee, that a concession made by the Government, on the subject of education, to a particular part of the country, would be attended with an advantageous result, in case of an election,—is it wise to expose yourselves to that temptation? and would it not be prudent to have some persons intrusted with the superintendence of education, whose continuance in office would not depend upon a narrow majority in the House of Commons? Remember, however,—and let the Dissenters remember,—that if the principle be good for this Government, it is good for their successors.

[Cries of "Hear, hear!" from the Opposition.]

If a change of Government should unfortunately take place——

[Laughter.]

—you have established the principle,—that the next Government, whatever it may be, will be the body deputed by yourselves to manage the general education of the country. They will introduce their views, also, with respect to the superintendence of education. Suppose, then, that their feeling should be,—that it is not wise that a system of education, so far as the establishment is concerned, should be carried on without the supervision of the chief ecclesiastical authorities belonging to the establishment;—suppose that they should make the Bishop of London and the Archbishop of Canterbury—both, be it recollected, members of the Privy Council—members of the Committee of Privy Council,—what objection could you urge against it? I do not know what objections the dissenting body might entertain to such appointments; I am not prepared to say how far the force of newly formed habits may influence their conduct; but this I will venture to say,—that if Lord Liverpool, ten years ago, or if I, myself, five years since, had proposed that the Government should be the body to whom such a power should be granted, and that by three words, three important words,—"thirty thousand pounds,"—which were to be placed, without condition or restriction, at the control of the executive Government,—if this had been attempted, then, I say, that, whatever may be the number of petitions which have been presented against the plan of the Government, the petitions of the Dissenters against such a scheme would have been at least equal to them. You say that you are responsible to Parliament. Responsible to Parliament! Why, how is responsibility to Parliament insured, if the measures by which education is to be carried on are to be prepared and executed without the consent of Parliament? You constitute yourselves a committee to superintend the education of the people of this country, in consequence of a solitary vote of the House of Commons. This board is constituted of persons upheld by a parliamentary majority of ten votes. Another may succeed it, supported, perhaps, by a majority of twenty-one votes,—a majority, too, which, this year granting 30,000*l.*, may, next year, grant 80,000*l.* for the education of the people. I say, then, that this is an objection which I feel to the Government plan; and that it is an objection which ought to be felt, not only by the Dissenters, but by the Church of England. The Right Honourable Gentleman the Chancellor of the Exchequer is fond of quoting opinions, backed always by high authority, but he does not tell us the names of the individuals from whom they proceed, till he imagines we are all ready to assent to the propositions laid down. Now, I will imitate him. I will read opinions given by two grave authorities; I will conceal their names; I will not tell you whether they come from high ecclesiastical authority, or whether they were pronounced by persons holding strong Conservative opinions. You shall have the opinions themselves. The Noble Lord took a different course from the Right Honourable Gentleman; he quoted Paley and Fénélon, and told us so; but I shall follow the example set by the Chancellor

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of the Exchequer. These opinions were not delivered at a very remote period. I am constantly told that I am behind the spirit of the age, and I suppose that the charge is true; for I find that, if I take up the position which her Majesty's Government took up last year, and hope for some expression of gratitude from them for adopting their sentiments,—I find myself, I say, exposed to a raking fire from them, and attacked on all sides for my illiberality! I will now read these extracts. The first runs thus: —

But with these differences of opinion on the subject of education throughout the nation (whatever the opinions of individual Members may be), I confess I do not see that it would be a good plan to establish a Board of Education of members of the Government, and I believe it could not do otherwise than lead to great jealousy and dissatisfaction.

The other extract is to this effect: —

Believing that the creation of a Board of Education will cause not only great jealousy, but positive injury, by their interference; I hope the Honourable Gentleman will not press his motion.

These opinions were expressed by the Noble Lord the Secretary for the Home Department, and by the Right Honourable Gentleman the Chancellor of the Exchequer.

[Loud cheers from the Opposition benches.]

They were delivered, last year, upon the subject of appointing a Board of Commission of Education. Is not this a Board of Education which you are about to appoint? and can you resist voting for the motion? I see the Noble Lord opposite making great protestations against this proposition; but what it is founded on I cannot guess. You objected to the appointment of an Education Board on account of the then excited state of the public mind. Oh, I see the difference! The public mind is now so calm.

[Loud cheers and laughter.]

No jealousy is now felt on the subject of education, and the suspicions and apprehensions which were formerly excited, have since been entirely soothed by the particular plan which her Majesty's Government have proposed.

[Cries of "Hear, hear!"]

I object to the plan on another and a distinct ground. Now, observe, I do not maintain this position, — that the church has any right to interfere with the religious instruction of all the children educated in these schools; and I never understood my Noble Friend to say so. What my Noble Friend said was this, — that in the case of the establishment, religious education was a spiritual concern. Will you tell me what is your definition of an establishment? The Noble Lord has quoted Paley. Does he agree with Paley in this? Paley says, the simple view of an established church is, that it is one for imparting religious instruction, and that everything in its constitution and all its arrangements should be directed to that object alone. This, however, I claim for the establishment, — that no system of national education shall be founded which studiously excludes from the superintendence and control of education given to the children of the establishment — the dignitaries of the established church; and if such a proposition be disagreeable to the feelings of the members of the establishment, I say that it is a violation of those feelings to ask them to contribute to a scheme of education conducted under the superintendence of a board from which those dignitaries are to be excluded. I ask you, Do you think that has a tendency to raise the ecclesiastical authorities of the Church of England in the estimation of children of tender years, or to make them good members of the establishment, if you claim, on the part of the Government board, that they shall be instructed under some general scheme of religious knowledge, of which doctrinal points shall form no part? I certainly am bound to admit that, with respect to Ireland, under the peculiar circumstances of that country, I thought that some advantage might be gained in fairly trying the experiment whether a joint education of persons of different forms of religious faith might not be carried on. I confess that subsequent reflection leaves, at least, grave doubts on my mind as to the success of that experiment. So far as the children of the establishment are concerned, I have come to this opinion, that it is infinitely better that they should receive religious instruction on doctrinal points, than to bring them up shrinking from the doctrines which they profess! I doubt whether harmony would be promoted by giving the children collected in those schools united secular instruction, and also by giving them separate religious instruction on different days. If I were a Wesleyan, or a Methodist, I would much rather give my child a general education, in which I would impress upon him that religion

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should form imperatively the basis, than give it to him, as it is proposed, as a separate and special branch of education. But with respect to the established church, I hope that, rather than consent to any plan from which ecclesiastical authority shall be excluded, it will separate itself altogether from the state on this point; that it will take the education of the people into its own hands, — that it will not shrink from insisting on the publication of its own peculiar doctrines, — but that it will demand that the highest respect shall be entertained for its power by its being inculcated in the minds of children that religion forms the basis of all education; and I very much doubt whether, the principles of the Christian faith being thus inculcated among children, as good a chance of harmony would not be secured, as by telling them that religion was an open question, as it were, and that each of them was to be instructed by a minister of his own creed on a certain day set apart for that purpose.

Ample reference has been made to the condition of religious instruction in the United States. Honourable Gentlemen who have very extensive information in reference to Prussia and the United States have spoken upon the subject, and have more particularly quoted the cases of New York and Massachusetts. As to Prussia, the principle has been abandoned; for the Honourable and Learned Gentleman the Member for Dublin has distinctly declared that the Prussian Government has abandoned the attempt of uniting children in a system of secular instruction, only, and of giving them separate religious instruction upon such creeds as they might be disposed to follow. I have attempted, with that degree of interest which is necessarily taken upon this subject, to gain some information with respect to the success of this plan, and it appears to me that this is very like the plan suggested by the Noble Lord. It prescribes a general religious instruction, — that is to say, that the children shall be initiated in the general doctrines of Christianity, and that on certain days they shall be instructed in their particular creeds. I hold in my hand the Report of the Board of Education in New York, which states the plan of education adopted there.

[Cries of "Date!"]

It is dated the 14th of January, 1839. It gives the principles of the system, and it states the law to be this, — that the school committee shall not use in any of the town schools any books which are calculated to favour the tenets of any particular sect; and I beg the attention of the House to the other portion of this statement, which is, that the Scriptures are used in almost all schools either as devotional or as reading books. It appears to me, therefore, that the principle is exactly similar to that of the normal schools. General instruction is daily given; the Scriptures are used as devotional or as reading books every day, but the plan excludes any instruction on any peculiar tenets. But what say the board in the very able Report which they have published, in which, I must admit, they have exhibited the sincerest desire to promote the cause of education? The Report is drawn up by the secretary, and he says,—

> In my Report of last year, I exposed the alarming deficiency of moral and religious instruction then found to exist in our schools. That deficiency in regard to religious instruction could only be explained by supposing that school committees, whose duty it is to prescribe school books, had not found any books at once expository of the doctrines of revealed religion, and also free from such advocacy of the "tenets" of particular sects of Christians, as brought them, in their opinion, within the scope of the legal prohibition. And hence they felt obliged to exclude books, which, but for their denominational views, they would have been glad to introduce.

I beg to know how the Noble Lord could avoid this in his plan? It would not exclude the existence of scruples among any denomination of religious Dissenters. It would not heal the differences of opinion entertained by the ministers of religion according to their several and peculiar professions. The Report then says, —

> Of course, I shall not be here understood as referring to the Scriptures, as it is well known that they are used in almost all the schools, either as a devotional or as a reading book.

Now, I beg the Noble Lord to consider whether this system, which has so operated in America, is not founded upon precisely the same principles as that upon which the plan of her Majesty's Government is framed. It is a system, not excluding the Scriptures, — allowing the Scriptures to be read, but not allowing them to be taught upon any general principle, — permitting them to be used for the purposes of instruction, but leaving it to the ministers of the various religious denominations to teach the children in accordance with their particular religious views. What says the secretary as to the working of that system? He says that there is "an alarming deficiency of moral and religious instruction." That is just

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the result which I anticipate from the system suggested by her Majesty's Government, as applied to the habits and modes of thought of the English people. If you were to adopt such a system, not making education in the principles of faith the basis of instruction in this country, you would find it extremely difficult to establish that sound moral and religious knowledge which can only be founded upon our conviction, in early years, that religion is the first object of instruction.

That is the second ground upon which I object to the plan proposed by her Majesty's Government, — namely, that, as far as the children of the establishment are concerned, I think it wholly unwise to exclude the direct superintendence and authority of ecclesiastical authorities. I think that those authorities ought to be brought forward distinctly for the purpose of superintending a plan of education in the principles of the establishment. I object, also, to the plan of her Majesty's Ministers, upon the very grounds upon which it has been supported by some of its advocates, which, as my Right Honourable Friend has justly observed in the course of the debate, are grounds directly inconsistent with the maintenance of a religious establishment. No answer has been given to that argument. If you are under an obligation, as you say you are, to teach the children of those who dissent, upon the grounds which you allege, — namely, that you fight with Roman Catholic sinews, and support your system with Unitarian gold, — if that be the ground upon which you are bound to educate the children of Dissenters, — in the first place, let me ask why you shrink from educating them in the tenets of their particular faith? If that be your ground, — that you take their gold and make use of their strength, — how do you answer this question? Why are you not bound to provide them the means of religious worship in accordance with their several creeds? Where do you propose to draw the line of demarcation? You profess to draw a line, but do not tell us where it is to commence. All your supporters, indeed, do not draw a line. The Honourable and Learned Gentleman opposite, — and, I must say, I think he is the only one who foresees or avows the consequences to which the Government plan may lead, — is prepared manfully to contend for them, as consequences which it is desirable to obtain. The Honourable and Learned Gentleman, if I understood him, maintains this proposition, — that, if you call upon the Jew to contribute to the exigencies of the state, the Jew has a right to call upon you for the maintenance of his religion.

AN HONOURABLE MEMBER. — But not for education in his religion.

SIR R. PEEL. — Not for education in his religion! How do you draw the distinction? If you call upon the Jew to contribute to the education of the children of the establishment, why may you not call upon the members of the church to contribute to the education of the Jew? You say that you do not decide against him, — that you do not object to his religion; and I understood the Honourable and Learned Gentleman distinctly to say that he foresaw the consequences to which the Ministerial plan would lead, — namely, that, as all would contribute to the support of it, so all would have a right to call upon the state, not only for the tolerance of their religion, but for contributions to maintain it. The third question I have to put to the Government is this, — Do you believe that any good will arise from the establishment of such a system as you propose? If you told us that it was necessary that a board should be formed which should have the public confidence, why did you not describe it in such intelligible and distinct terms as to prevent the misunderstanding and the alarm — I think the perfectly justifiable alarm — which has sprung up in every part of the country in reference to your proposition? If you have so imperfectly described your views with respect to the construction of the Board of Education, that, throughout the country, you have awakened an almost universal apprehension in the minds of the religious public, — do you believe that any system of instruction, superintended by such a board, would be likely to have the confidence of the great body of the people? Was there ever a scheme of education propounded in this country which met with such universal opposition? What answer do you give to the quotations which, in the course of this debate, have been made from statements embodying the views of the Dissenters with respect to your plan? The Honourable Member for Lambeth (Mr. Hawes) says that the Dissenters are, in an especial degree, the friends of civil and religious liberty. What is their opinion? Do they demand that the scheme of the Government should be persisted in? No. They say that the general rule ought to be to adhere to the plan of last year — to make ample grants to the National Society, and

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to the British and Foreign Society; but to relax the rule which limits the application of money according to the amount of contributions. That was the recommendation of the Protestant Society, — a large, influential body of Dissenters, — expressed at a public meeting, on the 15th of June, 1839. A short time since the Honourable Member for Kilkenny stated that about 1650 petitions had been presented in opposition to the Government plan. I have now the satisfaction to inform that Honourable Member that the number of those petitions has gone on increasing, and that, up to this day, not less than 3050 have been laid upon the table. Does the House believe it possible that 3050 petitions, mainly from the religious community, could be prepared and presented to Parliament merely in consequence of some exaggerated misrepresentations? The Honourable Member for Kilkenny spoke disparagingly of those petitions, and of the number of signatures attached to them. What is my answer? Where are the counter petitions?

[Loud cries of "Hear, hear!" from the Opposition benches.]

If the public feeling be in favour of the Government plan, why have not counter petitions been presented? How happens it that, on one side (in opposition to the plan), upwards of 3000 petitions have been presented, whilst, on the other side, the total number does not amount to fifty?

[Continued cheering.]

You told us, last year, — and you told us with truth, — that one of the objections to a Board of Education was, the national jealousy to which it would most probably give rise. You were good prophets. I respect you in your character of prophets; but when you find your worst apprehensions confirmed, why have you not the manliness to admit it?

Let me ask, what possible inducement, other than religious motives, and conscientious objections to the plan, could lead the Wesleyans to resist it? The Wesleyans say, that if their conscientious objections could be removed, they have a greater chance of benefiting by this plan than if a return were made to the principle of last year, under which they were excluded altogether. The Wesleyans can receive nothing from the British and Foreign Society, they can receive nothing from the National Society. A plan for a grant has been proposed, in which the Wesleyan Methodists were to have participated; yet they chose this very time to come forward and renew their opposition to it. The Wesleyan Methodists have been treated like children. When they came forward in support of the anti-slavery question, and so strongly advocated the abolition of the slave trade, then — credit was given them for the highest discretion, and for the purest motives; but now that they come forward to oppose the Government scheme of education, although it is impossible that they can be influenced by any but the purest motives, they are designated as the victims of credulity and misapprehension, and their zeal is attributed to any motives rather than those by which I conscientiously believe them to have been actuated. The question is not, whether the executive Government shall be relieved from all responsibility, as regards education? but simply this; — "Will you return to the system of last year, — that which was founded by Lord Althorp" — and one to which, I believe, a majority of this House would not refuse its assent, — namely, a vote of money under the control of Parliament, without discouraging voluntary contributions? Will the Government return to that system, and ask for a vote corresponding with it? One reference more from the United States. I will quote this instance for the purpose of showing what has been the deficiency of universal instruction in a part of the United States, under a plan precisely similar to that now under discussion; the state providing education and erecting schools.

It seems that one William G. Griffin, with others, felt aggrieved at the practice which obtains, in some common schools, of "praying, singing, reading the Bible, and other religious exercises;" and therefore "prayed the Legislature to enact a law prohibiting the practice" in such schools, academies, and seminaries of education, as receive aid from the public Treasury. In recommending that the prayer of the memorialists be not granted, the committee go into a discussion of the subject, which is remarkable for its clearness, candour, and cogency of reasoning, and such as must more than satisfy, we should suppose, every reasonable mind.

The public schools established by law are supported by a state fund, and by taxation upon the property of the people. These schools are open to all, although none are obliged to send their children to them. But, says the Report, —

"It is to these schools, as we are, to suppose, that the children of the petitioners are accustomed to resort; and in some cases it is fair to presume that it is found exceedingly inconvenient, perhaps impossible, for these parents to furnish their children with the means of instruction anywhere else. They are therefore obliged to resort to these schools, or take the alternative of keeping their children in utter ignorance; and it is under these circumstances that they

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come before the Legislature with the complaint that, on resorting to these schools, they find there a practice introduced — that of indulging in devotional exercises — which they deem highly offensive and objectionable.

Precisely the same thing would be found to occur here. Parties would say that the proposed plan went to nothing less than the erection of an establishment for the purposes of education. Indeed, I cannot quite understand how the zealous advocates of the voluntary principle can so readily consent to the introduction of this plan. The grounds of objection of the New York petitioners were conveyed in these words: —

Our grounds of objection to this practice are two; — first, that the Christian religion is thus supported and aided at the public expense; and, secondly, that the right of conscience and of equality are invaded, inasmuch as the unguarded minds of the children are exposed to be contaminated.

Such being the operation of the system in America, let not her Majesty's ministers flatter themselves that they would give universal satisfaction by it, here. Objections would be raised of the same nature as those which are made against an establishment. For all these combined reasons, therefore, I advise — not the Government, but the House, — to consent to the principle embraced in the amendment of my Noble Friend, and to advise her Majesty to rescind the Order in Council. I offer this advice on these distinct grounds: first, that in the present state of feeling in the country on this subject, a Board of Education cannot wisely be constituted; next, that the board, if constituted (and the utmost difficulty would arise as to its constitution), ought not to consist exclusively of members of the Government; thirdly, that, as regards the education of the children of the establishment, it would be unwise and improper to exclude from the control and superintendence of any system, those ecclesiastical authorities who are properly placed in charge of the religious education of the community; and, lastly, because there have been presented against the scheme petitions unequalled in number, in purity, and for the disinterestedness of the views of those who have presented them; and because a temporary success, — if the scheme were carried by a small and scanty majority, — so far from advancing the cause of sound religious instruction, soothing animosities, and allaying discord, — would be but the commencement of a new religious struggle in the very worst arena in which, in this country, such a struggle can be carried on.

The House then divided upon the question, "That the words proposed to be left out stand part of the question:" — Ayes 280; Noes 275; — Majority 5.

AYES.

Abercromby, Hon. G. R.	D'Eyncourt, Rt. Hon. C. T.
Adam, Admiral	Divett, E.
Aglionby, H. A.	Donkin, Sir R. S.
Aglionby, Major	Duff, J.
Alcock, T.	Duke, Sir J.
Alston, R.	Duncombe, T.
Anson, Hon. Colonel	Dundas, F.
Archbold, R.	Dundas, Hon. J. C.
Attwood, T. (Birm.)	Dundas, Sir R.
Bainbridge, E. T.	Easthope, J.
Baines, E.	Elliot, Hon. J. E.
Bannerman, A.	Ellice, Captain A.
Baring, F. T.	Ellice, Rt. Hon. E.
Barnard, E. G.	Ellice, E.
Barron, H. W.	Ellis, W.
Barry, G. S.	Erle, W.
Beamish, F. B.	Euston, Earl of
Bellew, R. M.	Evans, Sir De Lacy
Berkeley, Hon. H.	Evans, G.
Berkeley, Hon. G.	Evans, W.
Berkeley, Hon. C.	Ewart, W.
Bernal, R.	Fazakerley, J. N.
Bewes, T.	Ferguson, Sir R. A.
Blackett, C.	Ferguson, R.
Blake, M. J.	Finch, F.
Blake, W. J.	Fitzpatrick, J. W.
Blewitt, R. J.	Fitzroy, Lord C.
Blunt, Sir C.	Fleetwood, Sir P. H.
Bowes, J.	French, F.
Brabazon, Sir W.	Gibson, T. M.
Bridgeman, H.	Gillon, W. D.
Briscoe, J. I.	Goddard, A.
Brodie, W. B.	Gordon, R.
Brotherton, J.	Grattan, J.
Bryan, G.	Grattan, H.
Buller, C.	Greenaway, C.
Buller, E.	Grey, Rt. Hon. Sir G.
Bulwer, Sir L.	Grote, G.
Byng, G.	Guest, Sir J.
Byng, Rt. Hon. G. S.	Hall, Sir B.
Callaghan, D.	Hallyburton, Ld. D. G.
Campbell, Sir J.	Handley, H.
Cave, R. O.	Harland, W. C.
Cavendish, Hon. C.	Harvey, D. W.
Cavendish, Hon. G. H.	Hastie, A.
Cayley, E. S.	Hawes, B.
Chalmers, P.	Hawkins, J. H.
Chapman, Sir M. L. C.	Hayter, W. G.
Chester, H.	Heathcoat, J.
Chichester, J. P. B.	Hector, C. J.
Childers, J. W.	Heneage, E.
Clay, W.	Heron. Sir R.
Clayton, Sir W. R.	Hill, Lord A. M. C.
Clements, Lord Visct.	Hindley, C.
Clive, E. B.	Hobhouse, Right Hon. Sir J.
Codrington, Admiral	Hobhouse, T. B.
Collier, J.	Hodges, T. L.
Collins, W.	Hollond, R.
Conyngham, Lord A.	Horsman, E.
Cowper, Hon. W. F.	Hoskins, K.
Craig, W. G.	Howard, P. J.
Crawford, W.	Howard, P. H.
Currie, R.	Howick, Lord Visct.
Curry, Mr. Serjeant	Hume, J.
Dalmeny, Lord	Humphery, J.
Dashwood, G. H.	Hurst, R. H.
Denison, W. J.	Hutt, W.
Dennistoun, J.	

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Hutton, R.
James, W.
Jervis, John
Johnson, General
Labouchere, Rt. Hon. H.
Lambton, H.
Langdale, Hon. C.
Leader, J. T.
Lemon, Sir C.
Leveson, Lord
Lister, E. C.
Loch, J.
Lushington, C.
Lushington, Rt. Hn. S.
Macaulay, T. B.
Macleod, R.
Macnamara, Major
M'Taggart, J.
Marshall, W.
Marsland, H.
Martin, T. B.
Maule, Hon. F.
Melgund, Lord Visct.
Mildmay, P. St. John
Milton, Lord Visct.
Molesworth, Sir W.
Morpeth, Lord Visct.
Morris, D.
Murray, A.
Muskett, G. A.
Nagle, Sir R.
Norreys, Sir D. J.
O'Brien, W. S.
O'Callaghan, Hon. C.
O'Connell, D.
O'Connell, John
O'Connell, M. J.
O'Connell, Morgan
O'Connell, Maurice
O'Conor Don
O'Ferrall, R. M.
Ord, W.
Paget, F.
Palmer, C. F.
Palmerston, Lord Vt.
Parker, J. (Shef.)
Parnell, Rt. Hn. Sir H.
Parrott, J.
Pattison, J.
Pechell, Captain
Pendarves, E. W. W.
Philipps, Sir R.
Philips, M.
Philips, G. R.
Phillpotts, J.
Pigott, D. R.
Pinney, W.
Ponsonby, Hon. J.
Power, James
Price, Sir R.
Pryme, G.
Pryse, P.
Ramsbottom, J.
Redington, T. N.
Rice, E. R.
Rice, Rt. Hon. T. S.
Rich, H.
Rippon, C.
Roche, E. B.
Roche, W.
Roche, Sir D.
Rolfe, Sir R. M.
Rumbold, C. E.
Rundle, J.
Russell, Lord J.
Russell, Lord
Russell, Lord C.
Rutherfurd, Rt. Hn. A.
Salwey, Colonel
Sanford, E. A.
Scholefield, J.
Scrope, G. P.
Seale, Sir J. H.
Seymour, Lord
Sharpe, General
Sheil, R. L.
Shelborne, Earl of
Slaney, R. A.
Smith, J. A.
Smith, B.
Smith, G. R.
Smith, R. V.
Somers, J. P.
Somerville, Sir W. M.
Speirs, A.
Spencer, Hon. F.
Standish, C.
Stanley, M.
Stanley, Hon. W. O.
Stansfield, W. R. C.
Stuart, Lord J.
Stuart, W. V.
Stock, Dr.
Strangways, Hon. J.
Strickland, Sir G.
Strutt, E.
Style, Sir C.
Surrey, Earl of
Talbot, C. R. M.
Talfourd, Mr. Serjeant
Tancred, H. W.
Thomson, Rt. Hn. C. P.
Thornely, T.
Townley, R. G.
Troubridge, Sir E. T.
Turner, E.
Turner, W.
Verney, Sir H.
Vigors, N. A.
Villiers, Hon. C. P.
Vivian, Major C.
Vivian, J. H.
Vivian, Rt. Hon. Sir R. H.
Wakley, T.
Walker, R.
Wallace, R.
Warburton, H.
Ward, H. G.
Westenra, Hon. H. R.
White, A.
White, H.
White, S.
Wilbraham, G.
Williams, W.
Williams, W. A.
Wilshere, W.
Winnington, T. E.
Winnington, H. J.
Wood, C.
Wood, Sir M.
Wood, G. W.
Worsley, Lord
Wrightson, W. B.
Wyse, T.
Yates, J. A.

Tellers.

Steuart, R.
Stanley, E. J.

NOES.

Acland, Sir T. D.
Acland, T. D.
A'Court, Captain
Adare, Lord Viscount
Alford, Lord Viscount
Alsager, Captain
Arbuthnott, Hon. H.
Archdall, M.
Ashley, Lord
Ashley, Hon. H.
Attwood, M.
Bagge, W.
Bailey, J.
Bailey, J. jun.
Baillie, Colonel
Baker, E.
Baring, Hon. F.
Baring, Hon. W. B.
Barrington, Lord Visct.
Bateson, Sir R.
Bell, M.
Bentinck, Lord G.
Bethell, R.
Blackstone, W. S.
Blair, J.
Blakemore, R.
Blennerhassett, A.
Boldero, H. G.
Bolling, W.
Bradshaw, J.
Bramston, T. W.
Broadley, H.
Brownrigg, S.
Bruce, Lord E.
Bruges, W. H. L.
Buck, L. W.
Buller, Sir J. Y.
Burr, H.
Burrell, Sir C.
Burroughes, H. N.
Calcraft, J. H.
Canning, Rt. Hn. Sir S.
Cartwright, W. R.
Castlereagh, Lord Vt.
Chapman, A.
Christopher, R. A.
Chute, W. L. W.
Clerk, Sir G.
Clive, Hon. R. H.
Codrington, C. W.
Cole, Hon. A. H.
Cole, Lord Viscount
Colquhoun, J. C.
Compton, H. C.
Conolly, E.
Cooper, E. J.
Coote, Sir C. H.
Corry, Hon. H.
Courtenay, P.
Cresswell, C.
Dalrymple, Sir A.
Damer, Hon. D.
Darby, G.
Darlington, Earl of
De Horsey, S. H.
Dick, Q.
D'Israeli, B.
Douglas, Sir C. E.
Dowdeswell, W.
Duffield, T.
Dugdale, W. S.
Dunbar, G.
Duncombe, Hon. W.
Duncombe, Hon. A.
Dungannon, Lord Vt.
Du Pre, G.
East, J. B.
Eastnor, Lord Visct.
Eaton, R. J.
Egerton, W. T.
Egerton, Sir P.
Eliot, Lord
Ellis, J.
Estcourt, T. (Ox. U.)
Estcourt, T. (Devizes)
Farnham, E. B.
Farrand, R.
Feilden, W.
Fector, J. M.
Fellowes, E.
Filmer, Sir E.
Fitzroy, Hon. H.
Fleming, J.
Foley, E. T.
Forester, Hon. G.
Freshfield, J. W.
Gaskell, J. M.
Gladstone, W. E.
Glynne, Sir S. R.
Godson, R.
Gordon, Hon. Captain
Gore, O. J. R.
Gore, O. W.
Goulburn, Rt. Hon. H.
Graham, Rt. Hn. Sir J.
Grant, F. W.
Greene, T.
Grimsditch, T.
Grimston, Lord Visct.
Grimston, Hon. E. H.
Hale, R. B.
Halford, H.
Harcourt, G. G.
Harcourt, G. S.
Hardinge, Rt. Hn. Sir H.
Hawkes, T.
Hayes, Sir E.
Heathcote, Sir W.
Heathcote, G. J.
Heneage, G. W.
Henniker, Lord
Hepburn, Sir T. B.
Herbert, Hon. S.
Herries, Rt. Hn. J. C.
Hill, Sir R.
Hillsborough, Earl of
Hinde, J. H.
Hodgson, F.
Hodgson, R.
Hogg, J. W.
Holmes, Hn. W. A'C.
Holmes, W.
Hope, Hon. C.
Hope, H. T.
Hope, G. W.
Hotham, Lord
Houldsworth, T.
Houstoun, G.
Hughes, W. B.
Hurt, F.
Ingestre, Lord Visct.
Ingham, R.
Inglis, Sir R. H.
Irton, S.
Irving, J.
Jackson, Mr. Serjeant
James, Sir W. C.

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enkins, Sir R.
ermyn, Earl
ohnstone, H.
ones, J.
ones, Captain
elly, F.
emble, H.
ilburne, Lord Visct.
innaird, Hon. A. F.
natchbull, Rt. Hon. Sir E.
night, H. G.
nightley, Sir C.
nox, Hon. T.
ascelles, Hon. W. S.
aw, Hon. C. E.
efroy, Rt. Hon. T.
ennox, Lord A.
iddell, Hon. H. T.
incoln, Earl of
itton, E.
ockhart, A. M.
ong, W.
owther, Hon. Colonel
owther, Lord Visct.
owther, J. H.
ucas, F.
ygon, Hon. General
lackenzie, T.
lackenzie, W. F.
lackinnon, W. A.
laclean, D.
lahon, Lord Viscount
laidstone, Lord Visct.
lanners, Lord C. S.
larsland, T.
larton, G.
laster, T. W. C.
lathew, G. B.
launsell, T. P.
leynell, Captain
liles, W.
liles, P. W. S.
liller, W. H.
lilnes, R. M.
lordaunt, Sir J.
lorgan, C. M. R.
leeld, Joseph
leeld, John
licholl, J.
loel, Hon. W. M.
lorreys, Lord
lssulston, Lord
lwen, Sir J.
'acke, C W.
'akington, J. S.
'almer, R.
'arker, M.
'arker, R. T.
'arker, T. A. W.
'atten, J. W.
'eel, Rt. Hon. Sir R.
'eel, J.
'emberton, T.
'erceval, Hon. G. J.
'igot, R.
'lanta, Rt. Hon. J.
Plumptre, J. P.
Polhill, F.
Pollen, Sir J. W.
Powell, Colonel
Powerscourt, Ld. Vt.
Praed, W. T.
Pringle, A.
Pusey, P.
Rae, Rt. Hon. Sir W.
Reid, Sir J. R.
Richards, R.
Rickford, W.
Rolleston, L.
Round, C. G.
Round, J.
Rushbrooke, Colonel
Rushout, G.
Sanderson, R.
Sandon, Lord Viscount
Scarlett, Hon. J. Y.
Shaw, Rt. Hon. F.
Sheppard, T.
Shirley, E. J.
Sibthorp, Colonel
Sinclair, Sir G.
Smith, A.
Smyth, Sir G. H.
Somerset, Lord G.
Spry, Sir S. T.
Stanley, E.
Stanley, Lord
Staunton, Sir G. T.
Stewart, John
Stormont, Lord Visct.
Sturt, H. C.
Teignmouth, Lord
Tennent, J. E.
Thomas, Colonel H.
Thompson, Alderman
Thornhill, G.
Trench, Sir F.
Tyrell, Sir J. T.
Vere, Sir C. B.
Verner, Colonel
Vernon, G. H.
Villiers, Lord Visct.
Vivian, J. E.
Waddington, H. S.
Walsh, Sir J.
Welby, G. E.
Whitmore, T. C.
Williams, R.
Williams, T. P.
Wilmot, Sir J. E.
Wodehouse, E.
Wood, Colonel T.
Wood, T.
Wyndham, W.
Wynn, Rt. Hon. C. W.
Yorke, Hon. E. T.
Young, J.
Young, Sir W.

Tellers.

Baring, H.
Fremantle, Sir T.

Main question put, and agreed to.

Order for committee read; Education Estimate (presented the 12th of June) referred.

LORD JOHN RUSSELL. — I move, Sir, that you do now leave the chair.

Upon the question being put, "That the Speaker do now leave the chair,"—

SIR ROBERT PEEL said: — The Noble Lord surely does not propose to take the vote in committee to-night?

LORD J. RUSSELL. — I really do not see why the vote should not be taken to-night.

SIR R. PEEL. — Then, Sir, I shall most strongly object to that course. The Noble Lord proposes a scheme of national education — or, what is in effect the same thing, a grant by which that scheme is to be carried out; — and this, not by a Bill, but by a resolution in a Committee of Supply. I repeat that I object, and I do so on principle, to going into committee for such a grant at half-past two o'clock in the morning, and particularly after such a division as we have just had.

[Loud cries of "Hear, hear!" "Adjourn!" "Go on!"]

LORD J. RUSSELL. — I wish to recal to the attention of the House the state in which the question stood at the commencement of this discussion. The motion was, that the House do resolve itself into a Committee of Supply; but between that course and going into the supply, the motion of the Noble Lord (Stanley) interposed a three nights' debate, in the course of which have been made statements containing all sorts of constructions as to the plan and objects of the Government.

[Cries of "Hear, hear!" from the Ministerial benches.]

Under these circumstances I do think that I am justified in proposing that the House do, now, go into the committee, and I protest against the opposition to that course. In the present state of the House, it would be only wasting time to go to a division on the subject, and therefore I do not press it to a division; but I must say, that I think the opposition not at all reasonable.

[Cries of "Hear, hear!" from the Ministerial benches.]

SIR R. PEEL. — I wish merely to observe ——

[Loud cries of "Spoke, spoke!" "Hear, hear!" "Adjourn!" and, "Divide!"]

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I have really not spoken more than the Noble Lord; but I wish to say a few words in explanation of the course I am prepared to take.

[Loud cries of "Spoke, spoke!" and, "Divide!"]

AN HONOURABLE MEMBER. — Move the adjournment of the House.

SIR R. PEEL. — I have no desire to move the adjournment, or to take any course which might even be construed into a vexatious proceeding; I shall therefore only add, in one single sentence, that I so strongly object to a legislation by one House — for so it is — being carried on at this hour of the morning, that I shall give it my strongest opposition. I think it so objectionable to take a vote of this kind at half-past two o'clock, that I shall oppose it in order to put on record my opposition to this legislation by the single act of the House of Commons; and I do this without pledging myself to any future course, because no future course on this measure ought to be taken without discussion.

LORD J. RUSSELL. — Can there be any objection to the Chairman leaving the chair, now, and to our going into the committee, though we should not take a vote to-night?

SIR R. PEEL. — I have no objection to any course which will give a full opportunity for an ample discussion before we are called upon to vote this grant. But what will the Noble Lord gain by going into the committee now, if he proceed no further than he at present proposes?

LORD J. RUSSELL. — My wish, in going into the committee, is this, — that the future discussion may be taken in the committee on the grant itself, and not on the question, "That the Speaker do leave the chair."

[Cries of "No, no!" from the Opposition benches.]

SIR R. PEEL. — I repeat that my wish is, to have an opportunity for a full discussion of the vote. It is impossible that such a discussion could be taken to-night; and if the vote is now pressed, I must divide the House.

COLONEL SIBTHORP. — Sir, I object ——

[Loud cries of "Oh, oh!" and, "Divide!"]

— I object, in the face of the Noble Lord and of the House, against any forms or proceeding which will prevent the House from having the fullest discussion upon this question.

[Loud cries of "Oh!" and, "Divide!"]

I will tell the Noble Lord that he cannot carry on such a course, though supported by his servants — slaves I was going to call them.

[Laughter.]

Her Majesty's Ministers are now going fast on a descending scale; last night they were in a majority of ten, and to-night in one of five; and yet, with such a majority, they will now go on at this hour with a measure against which so strong an opinion has been expressed! Where is the Honourable Member for Salford? Why does not he, according to his usual custom, object to the House going into new business at such an hour?

[Cries of "Hear!" and calls for Mr. Brotherton.]

Oh! the Honourable Member is at the Government side; he will not, therefore, now move the adjournment.

[Cries of "Oh!" "Question!" "Adjourn!" and, "Divide!"]

I move, Sir, that this House do now adjourn.

LORD STANLEY. — I hope my Honourable and Gallant Friend will not press his motion.

COLONEL SIBTHORP. — I at once accede to the Noble Lord's wish, and withdraw the motion.

LORD STANLEY. — I am glad that my Honourable and Gallant Friend does not persevere in his motion for the adjournment, because it is not my wish, and I am sure it is not the wish of Gentlemen on this side of the House, to offer anything like a factious opposition to the course proposed by the Government.

[Cries of "Oh, oh!" from the Ministerial side of the House.]

If Honourable Members opposite as-

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some that such is our intention, they are much mistaken. We have no such desire. But, having taken the question as to the revocation of the Order in Council, we do not wish to offer anything like a factious or vexatious opposition. We might avail ourselves of several opportunities of opposing this vote. We might oppose it in the Committee of Supply, or on bringing up the Report. We might, if we chose to offer a factious opposition, have taken other grounds. Seeing that we were within five of the majority, we might, if we chose, oppose this grant at every stage, and that upon strictly parliamentary grounds. We might, without any imputation of being factious, looking to the result of the present division, call upon you to test that majority again. We have already taken our opposition upon the question of rescinding the Order in Council, and surely it is not unreasonable, or contrary to strict parliamentary usage, that when the minority comes so near the majority, we should take time to consider whether it is expedient that that question should be again raised; and I am sure that my Noble Friend (Lord J. Russell), though he may be a little mortified at the position in which the present division has placed him, will, on reflection, see that the course which we propose is neither factious nor vexatious.

LORD J. RUSSELL. — I do not offer any objection to the course suggested by the Noble Lord, of not pressing the matter further this night, it being distinctly understood that the next discussion shall be on the vote in the Committee of Supply.

Several HONOURABLE MEMBERS. — When, when?

LORD J. RUSSELL. — On Monday next I shall propose to take the vote.

Committee deferred till to-morrow.

PRISONS (SCOTLAND) BILL.

On the motion of Mr. FOX MAULE, the Order of the Day for the committee on this Bill was read.

Upon the question, "That Mr. Speaker do now leave the chair," being put, —

LORD VISCOUNT DUNGANNON said: — I protest against the House proceeding with important measures at this late hour. I am surprised at the conduct of the Government and cannot but say that they are, in every way, a most degraded Government. They never seem to know, for two consecutive hours together, what they intend to do; and all that can be got from them is, a petition that the Opposition will let them alone, and suffer them to be at peace.

The motion was then agreed to; Bill considered in committee, and reported; further consideration of Report on Monday, 1st of July; Bill, as amended, to be printed.

ELECTORS' REMOVAL BILL.

On the motion of Mr. FINCH, the Order of the Day for the third reading, read.

Upon the question being put, "That this Bill be now read a third time, —

Mr. BAGGE said: — Sir, this is a Bill which I entertain very strong objections to. It is a measure involving very important alterations in the existing law; and I think I shall be best performing my duty by moving that it be read a third time this day six months.

SIR R. PEEL. — Although it is not the practice to press on, to the third reading, important Bills at so late an hour of the night, I would not advise my Noble Friend to press his amendment.

Mr. LABOUCHERE. — I am glad the Right Honourable Gentleman is present to witness the sort of proceedings which are frequently taken in his absence, in order to obstruct the public business.

SIR R. PEEL. — I have never heard a more ungracious speech in so short a compass. The object of my Honourable Friend was not to obstruct the public business, but to have it properly performed, as he conceived.

Mr. BAGGE. — I am sorry that the Right Honourable Gentleman has thought proper to attack me for opposing the third reading of the Bill. I gave notice to the Honourable Member for Ipswich that it was my intention to do so, and I saw that Honourable Member in the House not ten minutes since.

LORD VISCOUNT DUNGANNON. — I must again protest against proceeding with the public business at this hour; and if my Honourable Friend will press his

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amendment to a division, I will support him.

Mr. FINCH. — I am quite willing to postpone the third reading to a future day.

Mr. H. BARING. — I would suggest to the Honourable Member for Walsall the propriety of recommending his Honourable Friend the Member for Ipswich — as their names are joined together on the back of the Bill — to sit by his side in future.

[Laughter, and cheers.]

LORD VISCOUNT DUNGANNON. — I understand that this Bill has been galloped through the House; and I now give the Honourable Gentleman opposite notice, that if there should be any attempt in future to smuggle the Bill through the House at a late hour, I will offer every obstruction to it in my power.

Mr. FINCH. — I will postpone the third reading of the Bill until Thursday next.

Third reading accordingly deferred till Thursday next.

SUPREME COURTS (SCOTLAND) BILL.

Third reading deferred till Monday next.

METROPOLITAN POLICE COURTS BILL.

Committee deferred till Monday next.

BANKRUPTS (IRELAND) BILL.

Further consideration of Report deferred till Monday next.

REGISTRATION OF LEASES (SCOTLAND) BILL. — WRITS (SCOTLAND) BILL. — FICTITIOUS VOTES (SCOTLAND) BILL. — REGISTRATION OF ELECTORS (SCOTLAND) BILL.

Second readings severally deferred till Monday next.

REGISTRATION (COURT OF APPEAL) BILL.

Second reading deferred till this day.

CUSTODY OF INFANTS BILL.

Third reading deferred till this day.

BANKRUPTS' ESTATES (SCOTLAND) BILL. — SUMMARY JURISDICTION BILL COMMITTEE.

Further consideration of Reports severally deferred till this day.

ELECTORS' REMOVAL BILL.

Third reading deferred till Thursday next.

HERITABLE SECURITIES (SCOTLAND) BILL.

Second reading deferred till Thursday next.

LOAN FUND (IRELAND).

On the motion of Mr. J. A. SMITH, Acts (4 and 10 Geo. IV., and 1 and 2 Vic.) relating thereto, read; and Bill for consolidating and amending the said Acts, ordered to be brought in by Mr. JOHN ABEL SMITH and Mr. CHANCELLOR of the EXCHEQUER.

UPPER AND LOWER CANADA BILL,

"For re-uniting the Provinces of Upper Canada and Lower Canada, and for the Government of the United Province." — Presented, and read a first time; to be read a second time on Monday, the 1st of July, and to be printed.

PAPERS.

East India Company. — Home accounts (presented 19th of June) to be printed.

Adjourned at a quarter after three o'clock.

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HOUSE OF LORDS, VENERIS, 21° DIE JUNII, 1839.

APPEALS.

Walker *v.* Grant. — Set down for hearing.

Gordon *v.* Edinburgh Gas Light Company (second appeal). — Petition of respondents to dismiss appeal as incompetent, with costs. — Read, and referred to the Appeal Committee.

PEMBERTON'S DIVORCE BILL.

Read a third time, and passed; and sent to the Commons.

MESSAGE FROM THE COMMONS,

For — Copy of the evidence taken before this House in the case of Allison's Divorce Bill. Messengers informed, That this House will send an answer by messengers of their own. And evidence (on motion) ordered to be communicated, as desired.

HALL'S ESTATE BILL.

Read a third time; amendments made; passed, and sent to the Commons.

DAVIE'S ESTATE BILL.

Read a third time, passed, and sent to the Commons.

RUSSELL'S ESTATE.

Judges' Report received (on petition); and Bill read a first time.

AIRTH AND MENTEITH PEERAGE.

Committee for Privileges to meet on Tuesday, the 9th of July next.

COUNT DE ST. GEORGE'S NATURALISATION BILL.

Reported, with amendments; and Bill to be ingrossed.

The EARL of SHAFTESBURY sat Speaker.

House adjourned during pleasure, and resumed by the LORD CHANCELLOR.

THE QUEEN'S ANSWER TO ADDRESS OF TUESDAY LAST.

Reported.

PRESTON AND WYRE RAILWAY, HARBOUR, AND DOCK BILL.— BIRMINGHAM CANAL BILL.

Read a third time, and passed.

NORTHERN AND EASTERN RAILWAY (No. 2.) BILL.

Petition of the Marquess of Salisbury, praying to be heard by counsel, against. — Read, and ordered to lie on the table.

Bill read a second time, and committed. The committee to be proposed by the Lords' Committees appointed for proposing Committees on Opposed Bills.

MANCHESTER AND BIRMINGHAM RAILWAY BILL.

Read a second time, and committed for Tuesday next.

GLASGOW AND RENFREW ROADS BILL.

Read a third time, and passed.

LONDON AND BLACKWALL COMMERCIAL RAILWAY BILL.

Petition complaining that the Standing Orders had not been complied with, and praying to be heard by themselves, their agents, and witnesses, in support of the allegations of their petition, — of inhabitants of the wards of Aldgate and Portsoken, in the city of London, and others.

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—Read, and referred to the Standing Orders Committee.

CORPORATION OF LONDON (SALE OF GROUND) BILL.

Returned from the Commons, agreed to.

TYNE DOCKS BILL.—CROYDON AND MERSTHAM RAILWAY COMPANY DISSOLUTION BILL.—BRADFORD (WILTS) IMPROVEMENT BILL.—SOUTHMOLTON ROADS BILL.

Reported, without amendment.

SLAMANNAN RAILWAY BILL.—WISHAW AND COLTNESS RAILWAY BILL.

Reported, with amendments.

WEST DURHAM RAILWAY BILL.

Reported specially, with amendments.

IDOLATROUS WORSHIP (INDIA).

The EARL of BANDON presented a petition for the prevention of,—of the citizens of Cork.—Read, and ordered to lie on the table.

CORPORATIONS (IRELAND).

The EARL of BANDON presented a petition against the measure,—of the mayor, bailiffs, free burgesses, and commonalty of the town of Youghal.—Read, and ordered to lie on the table.

CHURCH DISCIPLINE BILL.

LORD WYNFORD presented a petition against parts of the Bill,—of clergy of the dioceses of Canterbury and Rochester.—Read, and referred to the select committee on the Bill.

The ARCHBISHOP of CANTERBURY.—My Lords, I beg leave to correct a misrepresentation which has occurred in a place that I will not more particularly name, with reference to observations supposed to have been made by me in reference to a petition from certain clergy of Oxford on the subject of the Church Discipline Bill. A Right Honourable Gentleman is represented to have stated that—

He was the last man in the House to undervalue petitions; but he could show the House, on better authority than his, that there were occasions on which petitions were got up, particularly on religious matters, in which neither the character of the getters-up nor the suggesters would stand inquiry. There had been, for instance, a petition got up by bad clergymen of the University of Oxford on a subject relating to the church. Now, that was a petition in which, above all others, they would expect to find truth, learning, and conclusive reasoning; but no such thing. It appeared, on high authority, that the bishop of the diocese could command from his clergy as many petitions on any subject as he might choose to call for. The House would ask on whose authority he stated this? He would tell them, but would read a letter more first:—"On the subject of petitions generally bearing on church subjects, I must say, that if the parties who oppose the Bill are to better informed than the clergy of Oxford on the subject, I trust their opposition will have very little weight." He concluded with the following words:—"I entertain the strictest conviction that the petitions which come before you on this subject are full of misstatements, but certainly misstatements made without a disposition to deceive. I give these petitioners credit for a wish to support the church; but it will be for the House to judge of the allegations, and to judge, also, of the expediency of complying with the prayer of persons who betray total ignorance of the real facts of the case on which they petition." These were the petitions presented from clergymen of the University of Oxford against the Church Discipline Bill; they came from men of respectable character and authority; and the person who thus characterised them was his Grace the Archbishop of Canterbury. This was the character he gave of petitions got up on a religious outcry. He stated that they might be well intended, but that they betrayed the greatest ignorance.

Nothing can be more inconvenient than for a Member of one House—and more especially a Member who ranks very high in station, and who is deserving of all respect on account of his talent and excellent qualities—nothing, I say, can be more inconvenient, or, indeed, more irregular, than for a Member of the House of Commons to cite, naming the speaker, what may have passed in your Lordships' House. This very statement shows the inconvenience of that practice; for a more incorrect statement—not intentionally so, I am perfectly certain, because I know the candour of the Right Honourable Gentleman sufficiently well to be convinced that he would not say anything which he did not believe to be true—but still, a more incorrect statement never was made. The Right Honourable Gentleman was misinformed as to what I said on the occasion to which reference was made. When was it, I

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would ask, that I ever said any such thing as that "neither the character of the getters-up nor of the suggesters of the petition would stand inquiry?" When did I ever make any reflection on the character of the gentlemen and clergy of Oxford? It so happens that I only know the name of one of the persons who were concerned in getting up the petition in question; and of that one person, and of all who are connected with him, I may state, there are none more respectable for character, for learning, or for piety; and that it is absolutely impossible I could have said that their characters would not abide inquiry. Then it is said, that "the petition was got up by bad clergymen of the University of Oxford." Who those "bad clergymen" are, I am greatly at a loss to know. There must be a misprint — a misrepresentation here. Such words never could have been used by the Right Honourable Gentleman. All I said related, not to the character of the clergy, but to the inconclusive reasoning and the great ignorance which seemed to prevail as to the real state of the law, and the tenour of the Bill.

NATIONAL EDUCATION.

The ARCHBISHOP of CANTERBURY presented petitions against the plan recommended by the Privy Council, — of members of the Society for promoting Christian Knowledge; of the minister and inhabitants of Hawkwell; and of inhabitants of Bruton. — Read, and ordered to lie on the table.

JAMAICA BILL.

LORD LYNDHURST. — I beg leave to present a petition from William Burge, Esquire, the agent for the Island of Jamaica, praying to be heard by himself, his counsel, agents, and witnesses, at the bar of the House, against the Jamaica Bill.

The MARQUESS of NORMANBY. — I shall offer no opposition to the prayer of the petition; but I wish to know whether counsel could not be heard on the day (Friday) fixed for the second reading?

LORD BROUGHAM. — Suppose you give up Wednesday, and hear counsel on that day?

LORD LYNDHURST. — I fear that, if Wednesday were fixed, few of your Lordships would find it convenient to attend on that day. I beg to move that counsel be heard on Friday next.

Read, and leave given to petitioner to be heard on Friday next.

LORD BROUGHAM, the EARL of HAREWOOD, and EARL ST. VINCENT presented petitions from planters, merchants, and others interested in the colony of Jamaica; also, praying to be heard by themselves, their counsel, agents, and witnesses, at the bar of the House, against the Bill. — Severally read, and leave given to the petitioners to be heard by counsel on Friday next.

EDUCATION BILL.

LORD ELLENBOROUGH. — I wish to know from the Noble and Learned Lord (Lord Brougham), whether it is intended to bring on his Education Bill on the day for which it now stands? The Noble and Learned Lord has already postponed it on account of particular circumstances which have occurred in another place. Perhaps other circumstances, of more recent occurrence, in that place, may induce the Noble and Learned Lord to postpone it yet further.

LORD BROUGHAM. — Totally disagreeing from the conclusion that my measure, and the other matter alluded to, are the same in principle, yet I own that I have seen, with some anxiety, what has occurred in the other House, because it will have a bearing on a portion of my Bill, and on that part of it least likely to meet with the sanction of your Lordships. I think, therefore, that I shall exercise a sound discretion in a further postponement of my Bill, until I see what may be done on the matter referred to. I will, for the present, fix it for Monday week.

The EARL of RIPON. — I fear that my Noble and Learned Friend has assumed too early a date for the decision elsewhere on the point in question.

The second reading was then put off to Monday, the 1st of July next; and the Lords summoned.

TOWN CLERK OF SANDWICH.

The MARQUESS of SALISBURY. — Seeing the Noble Viscount at the head of her Majesty's Government in his place, I beg leave to present a petition from an

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individual named John Mourilyan, late town clerk of the town, port, and borough of Sandwich, in the county of Kent, complaining of having been removed from his office; and praying for compensation, and for inquiry into his case. As far as I am able to give an opinion on that case, I can only say that it is one of very great hardship; and, consequently, I consider your Lordships are bound to meet the wishes of the petitioner. By way of compensation for the loss of the fees and emoluments of his office, Mr. Mourilyan had granted to him, in November last, the income of 60*l.* a-year. Now, I will ask the Noble Viscount whether he considers that a sufficient remuneration? — whether, according to the Municipal Corporation Act, the petitioner is not entitled to a much larger sum? I repeat, that the case is one of great hardship; and I trust it will meet with the consideration it deserves.

VISCOUNT MELBOURNE. — With regard to this case, I understand that it has received mature consideration, and the same principle of remuneration has been applied to that, as to all similar cases. The fact is, this gentleman demanded more than the full value of the income which he derived from his office.

Read, and ordered to lie on the table.

THE MILLION LOAN (IRELAND).

VISCOUNT DUNCANNON. — With regard to a question put to me a few days ago, by a Noble Marquess (the Marquess of Westmeath), as to the application of the residue of the million loan, which was voted for the relief of the clergy of Ireland, by advances on their claims for arrears of tithe, I wish, now, to state the facts connected with the case, which I have ascertained on inquiry. Of the million advanced, only the sum of 640,000*l.* was claimed by the clergy; there therefore remained a surplus in the hands of the Ecclesiastical Commissioners of 360,000*l.* Of that sum 100,000*l.* was lent, by the commissioners, to the Board of Works in Ireland, and the remaining 260,000*l.* is to be applied to payment of tithes due to the clergy on the coming into operation of the late Tithe Act. The sum of 100,000*l.* advanced to the Board of Works, will, of course, be repaid to the Ecclesiastical Commissioners.

The MARQUESS of WESTMEATH. — A large portion of the million fund is unappropriated; but the purpose of that grant was, that the money should be assigned to the clergy. This sum was voted by Parliament for one purpose, and it has no right to be appropriated to another.

The MARQUESS of LANSDOWNE. — I think that the Noble Marquess ought to be satisfied with the statement made by my Noble Friend (which I repeat). It is not intended to appropriate the money to any other purposes than those fixed by Parliament. The 100,000*l.* lent to the Board of Works will be repaid to the Ecclesiastical Commissioners.

DUBLIN AND LIVERPOOL STEAM PACKETS.

The EARL of WICKLOW. — I trust your Lordships will allow me to say a few words on the subject of the steam packets between Liverpool and Dublin. Captain Chappel, the commander of the packet station at Liverpool, has addressed a letter to me, complaining of what I stated on this matter last week. He says, — "I do not know whether this censure was intended to apply to Mr. Purcell or to me, or to both; but as it was calculated to be injurious to me in my character, I feel persuaded that your Lordship will do me the justice to remove such an impression, when I assure you that Mr. Purcell asked for the appointment entirely without my knowledge; and that no complaint was made to me about his charges." If it be any satisfaction to Captain Chappel, I will state, that so far from wishing to make any allusion to him, I never heard of him before, or that he occupied such a situation, or that he was alluded to in the appointment. This statement of Captain Chappel contradicts, however, what was said at the time by the Noble Earl (of Minto). The Noble Earl declared, that he knew nothing of the politics of Mr. Purcell whatever, but that the appointment took place on the recommendation of a most distinguished individual — namely, that of Captain Chappel. I never meant to cast any imputation on that gentleman, nor on Mr. Purcell, who has also written to me. Mr. Purcell was perfectly justified in accepting the situation, if the Government thought fit to give it to him. My observations were directed against the Admiralty, who did not sufficiently consider the interests of the public when they appointed an agent with the sole right of making what charges he pleased. I hope the Noble Earl will not create a monopoly for the benefit of any one individual, but will open

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the carrying trade to competition. If no arrangement be made to remedy this evil, and this system of overcharging, I shall submit a motion to the House on the subject.

The EARL of MINTO. — I admit that the Noble Earl has said nothing that could be held to apply injuriously either to Mr. Purcell or Captain Chappel. In consequence of what the Noble Earl stated on a former evening, I directed inquiry to be instituted into the course of proceeding actually adopted in this service at Liverpool; and if I had found that extortion, want of due attention, or impropriety of any kind had been practised, I should have immediately taken steps to remove the evil. Whoever is agent, I shall take care that things be so conducted that the public shall have no reason to complain.

The EARL of WICKLOW. — It is quite evident that the Noble Earl totally misunderstands me. I do not bring any charge against Mr. Purcell for overcharging; what I complain of is, that the Government gave Mr. Purcell the power of making exorbitant charges, and that there is no competition.

The EARL of MINTO. — The only profit Mr. Purcell gets is by the land carriage of the parcels; he gets none other. If he take advantage of that to divert parcels from their proper route in order to have them sent by his own coaches, he is guilty of an abuse; but there has been no such complaint.

LORD BROUGHAM. — Have we not heard quite enough of Mr. Peter Purcell?

The MARQUESS of WESTMEATH. — It is not fair to denounce, without, it seems, any just ground, Mr. Purcell, his carriages and horses, and everything else.

BILLS OF EXCHANGE BILL.

The MARQUESS of LANSDOWNE. — I beg leave to move the second reading of a very important Bill, — I mean the Bills of Exchange Bill. This measure is introduced for the purpose of making perpetual an Act which passed two years ago, relative to exemption from the laws of usury Bills of Exchange at certain dates; and I think it is most desirable for the city, and the commercial public, that the sense of Parliament should be known on this subject as soon as possible.

The DUKE of WELLINGTON. — I should wish to have some opportunity of inquiring into the operation of the Bill, before it be passed. I intend to introduce certain alterations into the Bill in committee, to the effect that the Bill shall not be made perpetual. I do not, in the slightest degree, object to the second reading.

The MARQUESS of LANSDOWNE. — Will it suit the Noble Duke to go into committee on Monday?

The DUKE of WELLINGTON. — Yes.

The Bill was then read a second time, and committed to a committee of the whole House on Monday next.

WINDSOR CASTLE STABLES BILL.

House in committee (according to order); Bill reported without amendment; and to be read a third time on Monday next.

ROMAN CATHOLIC RELIEF ACT.

The EARL of WINCHILSEA. — In pursuance of the notice which I gave yesterday, it now becomes my duty to present to your Lordships a petition signed by 3000 inhabitants of Wigan and the neighbourhood, praying for the repeal of the statute 10 George IV., commonly called the Roman Catholic Emancipation Act. If this petition had related to any measure now under consideration by your Lordships, I should have declined, in obedience to the usage of your Lordships' House, to present it; but as it relates to an Act that was passed long ago, and as it is very numerously signed, — there being attached to it signatures to the amount of 3000, all belonging to persons filling respectable situations in life, — I think that the sentiments expressed in it are certainly deserving of the notice of your Lordships. The petitioners are anxious for the repeal of the Catholic Relief Act. So am I; and I declare that I believe the same feeling is rapidly increasing in this country; I believe, I say, that the people of England are fast becoming desirous for the repeal of the Act which is falsely called the "Roman Catholic Emancipation Act." The professed object of passing that Act was, to give peace and tranquillity to Ireland. Now, I do not think that there is any individual, either within your Lord-

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ships' House or without it, who supported that measure in its passage through Parliament, who can now honestly lay his hand on his heart, and say, that he does not feel that the results which were then anticipated from it have not been realised? It may be in the recollection of those who did me the honour of attending to me at that time, that I then stated my conviction that there were two distinct bodies belonging to the Roman Catholic church, — namely, the Romanists and the Papists; and that though I was totally opposed to any measure which should go to alter the Protestant form of this Government, yet, to certain concessions, of a civil nature, to the Roman Catholics of this country, I was not wholly opposed. The Roman Catholics of this country, I do think, use the power they have acquired by this Act in a very different manner from the Roman Catholics of Ireland. With respect, however, to the means which were taken to induce your Lordships to agree to the concession of that power, I will say, that though it was stated in evidence on oath, before a committee of your Lordships' House, that the most objectionable doctrines of Catholicism were no longer held by British Catholics; yet, I believe those doctrines were only suspended for the time, and are now again in full force. I believe, if I had a committee of your Lordships, I should be able to show that all those doctrines which are most obnoxious and reprehensible in the Catholic creed were revived and re-embodied about the year 1836, in a manual of theology, published for the use of the Roman Catholic clergy. There — are to be seen all the most obnoxious doctrines that Papal Rome ever held. There — it will be found that some of the most ridiculous Papal bulls are still in force. The publication of this book I believe to have been the signal for reviving the doctrines to which I allude; and from that moment the Roman Catholic church put forth the whole of its power to destroy Protestant government, and undermine Protestant authority, in Ireland. The consequences of this have shaken the Protestant Church from its centre to its foundation. I may say from its centre to its foundation; because, if the church, as by law established, were upset in any single part of the empire, the whole must fall together, throughout the realm.

After the concession of the Roman Catholic claims in 1829, the ingenuity of man could not conceive a scheme so well calculated for the overthrow of Protestantism in this country, and the re-establishment of the Roman Catholic religion in its stead, as is the late scheme for national education, contained in the minute of Privy Council. I say this, because I am prepared to contend that the Roman Catholic religion only flourishes where ignorance and superstition reign; and that where a system of education prevails, in which only general instruction is to be given in religion, — ignorance and superstition must be the results. Would to God your Lordships, at the time of considering the Roman Catholic Relief Bill, had not listened to the voice of that individual whose evidence before your Lordships' committee weighed so much in inducing many of you to side with the supporters of the Bill! Would to God you had not listened to the voice of that individual, who called me a furious and intolerant bigot, although I can put my hand on my heart and say, that I am sincerely attached to the cause both of civil and religious freedom, and therefore not liable to the charge of intolerant bigotry! I believe I am as tolerant in my disposition as any man in this House. I opposed the Roman Catholic Relief Bill, not from intolerance, but from a belief that, if passed into a law, it would be found inconsistent with Protestant security; and I feel safe in stating this, — that that consideration is at length aroused all over the country. When, however, the measure passed into law, I said that I should be the last man who would seek to shrink from upholding it. From that day to this I have never made an observation tending to elicit anything of a feeling in the country which might interfere with the due operation of the measure.

I by no means flattered myself that the power then conceded to the Roman Catholics might be used by all of them, without attempting to trench on the rights of the established church, — without attempting, as a considerable body are now desirous of doing, to take measures for the destruction of everything dear to us. I stated, at the time, that the power granted would be so used, and that the Protestants would be obliged, eventually, to unite, and that the time might very possibly arrive, when England would see me the greatest agitator on earth. Power, given to Roman Catholics, your Lordships may depend upon it, will always be exerted against the security and interests of the Protestant Church: but this, the Protestant people of England never will suffer; this, the Protestant Dissenters, to a man, will join the members of the establishment in preventing, — in defence of the rights of conscience and of that happy constitution

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which has given to us, individually and nationally, a greater share of liberty than has ever yet fallen to the lot of any other nation under the sun. That the people are rapidly approaching to a conviction that England must retrace her steps in this matter, I am fully convinced. I will only add, that, though I am not at present prepared to make any motion on the subject of the petition, still I will say, that, if these officers go on as they have done, I shall certainly bring the matter under your Lordships' notice, by a substantive proceeding, at a future day.

LORD BROUGHAM.—I am anxious, for one, to offer some answer to that which formed the substance of the eloquent and impressive speech of the Noble Earl; I say eloquent and impressive, for such must everything be that comes warm from the feelings; — and from his feelings I fully believe that that Noble Earl always speaks, — for a more conscientious, fearless, and honest mind than the Noble Earl's, I am persuaded, does not exist. The appeal which the Noble Earl makes to all who had any concern in carrying the Roman Catholic Emancipation Act is substantially this, — that of those who assisted to pass the measure, there is not one who, if he had known, then, what he knows, now, would at this day agree to such measure; or who, if he were now to lay his hand on his heart, would say he does not repent of his share in it. The idea of the Noble Earl is, I take it, that, as at present informed, the then supporters of the Bill, if they do not repent of their share in passing it, at least feel great discontent and distrust in respect to its operation. On examining my own heart, and considering all the public events which have happened since 1829, when the Act was passed, with the large experience subsequent to that time which I have had of its working, and with some little acquaintance with the question, — having supported emancipation from the first period of my entrance upon public life, — I should, if it were to do afresh, advocate, to-day, the same opinions as I advocated then, and up to 1829, when the measure was carried, with all his characteristic firmness, by the Noble Duke. Some men, it is true, there are, who now profess themselves disappointed with the effects of the measure. But why is this? Because they entertained the most extravagant notions of the good that measure was to effect, — for they believed that a benefit withheld for years could do as much good, when at length it was conceded, as if it had been passed at first. They who thought much was to be expected from a measure passed under such circumstances, have no right to be disappointed if the results, at present, fall below their extravagant anticipations. If any one think that it is in the course of a few years that centuries of misgovernment can be rolled back, and the people of Ireland placed in the same condition, all at once, as if such misgovernment had never been, — if any one is so extravagant and romantic as to think this, — that man will, by no means, be justified in complaining of the disappointment of his anticipations. Why, it was all along of the very essence of the argument of those who supported the measure, that delay would be most injurious to the success of the measure, and most detractive from the benefits which, if it were passed in season, might reasonably be looked for from it. What else was the argument of Mr. Pitt, when he quitted the Administration upon this question? What was his argument, again, in the famous declaration with which he armed Lord Cornwallis, and by which the Union was virtually effected? What else was the argument to which, in 1805, Mr. Grattan lent the aid of his masterly eloquence? What else was the essence of Mr. Canning's argument, from 1809 down to 1827; what, but that it would be dangerous to the peace of the country that it should be thought we were withholding justice from the Roman Catholics; and that such a delay of justice could not fail to produce in Ireland that discontent which is a gangrene in its society, and which all that good government could do for years to come would be unable to eradicate from that ill-fated land? What was it they insisted upon, year after year, but that the longer a people were kept out of their rights, the less was the gift of them effectual and beneficial? And this is the truth. If he gives twice who gives quickly, he halves and quarters his gift who only gives after perpetual delay and delay. He, therefore, is most extravagant and romantic, who expects from a measure delayed, as this has been, the same benefits as if no delay had happened.

Thus much for the first part of the Noble Earl's observations. In reference to the second, I will say, that when your Lordships have gone on, year after year, withholding from the people of Ireland the rights of conscience, and the liberty of worshipping God in the way each man thinks right, "no man making them afraid;" — withholding, too, the removal of disabilities, because those on whom they press were of a different belief from yourselves; — I say, that if there be one man among you, who can expect that when

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at last the thing is granted as a boon, and the pressure removed which has fixed discontent in the minds of a party forming the great bulk of the Irish people, until hatred, opposition to law, and dislike of English rule become a part of their second nature, — for custom is second nature; — if there be such a man, — for he is not deserving the name of statesman, — as to think that the people should all at once forget all that is past, and totally and abruptly change the character which for ages they have been acquiring, forming, and fixing; — I say that such a man has no right to be disappointed if the result fall below his expectations. It would be unwise to expect that such things could be accomplished by any act of human legislation; it is unjust to complain that the measure has failed, if it only fail to answer such wild and chimerical expectations. None of the friends of Catholic emancipation ever expected that that measure, alone, would be sufficient to correct all the calamities of Ireland. They always said that nothing could be done without that foundation; but they never said that the foundation was all that was required. It is just as if any one, knowing a supply of fresh air to the lungs to be necessary to sustain the life of man, should argue that that, alone, would be sufficient to keep him in health and strength. So with regard to Ireland; it is clear that the removal of the great obstruction to improvement in the habits of its population, is the chief requisite; but this is not enough: it is necessary, in order to introduce a better state of things, to remove other grievances that press heavily on the people. Thus much have I said of the injustice done to the great measure of emancipation, by the one-sided and partial views of the Noble Earl. But I should much mistake my own opinion, if I did not add, that I think the habitual factious dispositions which have grown up under the old system are equally inveterate on both sides; they exist not only in the minds of the Orangemen towards the Catholics, but in the minds of the Catholics towards the Orangemen. I deeply lament that Ireland should thus be made the prey of faction in its worst shape, that of religious rancour combined with political animosity — that the spirit of dissension should mix itself with the ordinary relations of society, and with all the affairs of life, — eating, as it were, like a foul ulcer, into the body politic. All unprejudiced persons must see that it will require a long course of firm, paternal, equal, and impartial administration of the law, as well as much improvement of the law itself, to eradicate this spirit, and make Irish society resemble that happier state of things which is to be found in this country. I have no manner of doubt that the task will be a difficult one; that the government of Ireland is a load too heavy for almost any shoulders; that it will be a hard thing to carry out, fully, the intentions of the Legislature, in granting Catholic emancipation, and thus to restore tranquillity to Ireland. But I am comforted by seeing that considerable progress towards these results has been made within the last nine or ten years; and if those principles which have generally guided men's conduct during that period should still prevail, and the Legislature should persevere in aiding the efforts of the Government by improving the laws, I should entertain, in spite of the apprehensions of the Noble Earl and the petitioners, confident and sanguine hopes of a successful issue. Having been all my life a firm supporter of emancipation, I was unwilling to allow this opportunity to pass without addressing these few observations to your Lordships

The EARL of WICKLOW. — I, also, cannot allow the important discussion which has arisen respecting the petition which has this evening been presented by the Noble Earl, to close without offering a few observations, — particularly as the first act of my political life was to give my support to the Roman Catholic Emancipation Bill. My Noble Friend having appealed to all the advocates of that measure to say whether the good they anticipated from it has been obtained, I am ready to lay my hand on my heart and declare that it has produced all the good I ever expected from it. If I were again called on to give a vote on the question, I would give it in the affirmative. All the additional information I have acquired since 1829, the more confirms me in my view. It is very easy to talk of evils as the result of a measure, — it is very easy to say that all the evils of Ireland are to be ascribed to the Act in question, — but it is very difficult to prove the truth of the assertion. It is not easy to say how much those evils might have been aggravated at the present moment, had that measure not passed. For my part, looking at the spirit which has been afloat for some time, not only on the continent of Europe, but in this country, I am induced to think that most disastrous consequences might have ensued, had Government refused to concede the measure to the unanimous wishes of the people of Ireland, and to the

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wishes of the great proportion of the people of this country. It was asserted in Parliament, when that measure was under discussion, — and the opponents of the Bill did not venture to deny it, — that the great proportion of the people of this country were favourable to the Bill; and the fact is proved by the circumstance that a majority of the representatives of the people demanded it, Session after Session, till at last no Government could have carried on affairs without conceding it. I have always considered that the Government of the day acted in the most prudent as well in the most honest and manly manner, in consenting to waive the objections they had previously entertained to the measure, and declaring that they could not administer the affairs of the country unless it were carried. I agree with my Noble Friend in regretting the evil influence of the Irish Roman Catholic clergy, but I dissent from his opinion that that influence is increased by the Emancipation Act. Before the passing of the Act, that influence was exercised in interfering with the elections to as great an extent as now; and I am as satisfied as I am of my own existence, that, but for that Act, it would have been, at this moment, much more formidable.

The EARL of RODEN. — Holding the strong opinions which I have always held upon this most important subject, I cannot help saying a very few words in reply to what has fallen from my Noble Friend who has just sat down. Never can I forget the words of that great man who so long filled the woolsack, "that the sun of England would set on the day when the Catholic Relief Bill should pass." I look upon the present condition of this country as far inferior to its condition before that measure became law. I remember that when the Bill was before your Lordships, there were certain regulations made, certain amendments proposed, to prevent the evils which it was feared would arise from it. I remember that one argument against the measure was, that there would be an increase of Jesuits in this country. And what has happened? Just what was stated would come to pass; for we find, in Ireland, large establishments of Jesuits, and in many parts of England also, set up for the very purpose of propagating the Roman Catholic religion. I have ever been taught to believe that that religion, as heretofore established in this country, would be calculated to destroy the civil and religious liberty of the people. I have seen nothing in any change that has taken place to make me suppose that any other effect is likely to be produced from it; and therefore I do conceive that it was most important, if it had been possible, to prevent this evil to which I have referred, — and particularly the power which would be exercised by the Jesuits. I know it has been the habit of Noble Lords to smile at the notion of that power; but I believe there is full ground for believing that the Roman Catholic faith is extending widely throughout this country. I believe that cannot be denied; and I dread that extension, inasmuch as I know that the power is used chiefly to effect temporal objects. In the library of the University of Dublin there is to be found a work of great antiquity, entitled *Secreta Monita*, which states "that princesses and ladies of quality are easily to be gained by the influence of their women of the bedchamber. Therefore, by all means, pay particular attention to their women, by favour of whom you will easily gain access to the family, no secret of which will remain hid from us." Now, I consider this extract somewhat applicable to that class of persons to whom I have referred, which is extending itself through England and Ireland, and, I believe, effecting a very great change in this country. I believe what my Noble Friend has stated, — namely, that there is a very strong feeling growing up with respect to this question. The Protestants of England, I am happy to see, are now awakening from their late apathy, in which they have lived ever since the passing of the Bill of 1829. I believe they consider that nothing can save this country from ruin, — from a tremendous crisis, — but their boldly coming forward and forcing the Government — be they who they may — to introduce some measure founded on such principles as history manifests to have been most advantageous to the interests of the country at large. I hope we shall be so overpowered with petitions on this subject, as will cause those Noble Lords, who may wish to shut their ears to the complaints of existing grievances, to attend to wishes so generally expressed. I trust this will be the case; and as regards any Bill that may be brought forward on the subject, I do hope it may be found beneficial to the people of England, and, above all, to the people of Scotland, who, I know, love the Protestant religion, and who, I trust, will not be backward in expressing their sentiments to Parliament on the important subject that now engages your Lordships.

The MARQUESS of WESTMEATH. — I certainly supported the Catholic Re-

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lief Act; and I confess, that, if I were now placed under similar circumstances, I should do so again; but, looking to existing facts, I am not bound to say how I should act if such a measure were now proposed. At the same time, I think that many evils which have been attributed to the Catholic Relief Act, are more properly chargeable to the Irish Reform Act, which was, by an injudicious Government, flung into the hands of the democracy, when they did not seek for it. That Act has given the priesthood such power, that three fourths of the representation are now as completely in their hands as the nomination boroughs once were in those of their owners.

The petition was then read, and ordered to lie on the table.

PROTECTION AGAINST BANKRUPTCY BILL.

Read a second time (according to order), and committed to a committee of the whole House on Monday next.

COMMON PLEAS REGULATION BILL.

On moving the second reading of this Bill, —

The LORD CHANCELLOR said: — According to a very ancient practice in the Court of Common Pleas, serjeants have an exclusive privilege to act in that court. Now, the object of the present Bill is to modify the existing regulations respecting that exclusive privilege, in conformity with the Report of the commissioners of 1829; and I certainly think that this proposition is calculated to receive your Lordships' approbation.

LORD WYNFORD. — I, for one, certainly very much approve of the alteration which is proposed to be made by this Bill; and, without dwelling on its merits, I beg to express my hope that it will meet with the concurrence of your Lordships.

The Bill was then a second time, and committed to a committee of the whole House on Monday next.

EDUCATION BILL.

Second reading (which stands appointed for Monday next) put off to Monday, the 1st of July next, and the Lords summoned.

BEER ACT IN PART REPEAL BILL.

Recommitment (which stands appointed for Tuesday next) put off to Tuesday, the 2d of July next, and the Lords summoned.

COLONIES LEGISLATION BILL.

Committee (which stood appointed for this day) put off *sine die*.

SOUTH EASTERN RAILWAY (No. 2.) BILL.

Referred to the Standing Orders Committee on Tuesday next; and a witness ordered to attend.

SABBATH.

Petition for the better observance of, and for suspension of the business of the Post Office on the Sabbath, — of inhabitants of Winster. — Read, and ordered to lie on the table.

Petitions for the better observance of, — of inhabitants of Shirland; Brailsford; Winster; and St. Alkmund, Derby. — Read, and ordered to lie on the table.

CAMBER QUAYS (PORTSMOUTH) BILL.

Petition in favour of, — of inhabitants of Portsmouth. — Read, and referred to the select committee on the Bill.

CHURCH DISCIPLINE BILL.

Petition against, — of clergy of the diocese of Canterbury. — Read, and referred to the select committee on the Bill.

SCOTCH CHURCH.

Petitions for the further endowment of, — of the ministers and elders of the town of Dundee, in general session assembled: and of inhabitants of East Anstruther; Yarrow; Kilmalie; Salen; Farnell; and Craig. — Read, and ordered to lie on the table.

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CHURCH OF ROME.

Petition praying that the encouragement hitherto afforded to it may be discontinued, — of the ministers and elders of the General Assembly of the Church of Scotland met at Edinburgh. — Read, and ordered to lie on the table.

PRESBYTERIANS.

Petition praying that provision may be made for the instruction of soldiers of the Presbyterian religion in the tenets of their peculiar faith, — of ministers and elders of the General Assembly of the Church of Scotland met at Edinburgh. — Read, and ordered to lie on the table.

POSTAGE.

Petitions for reduction of the rate of, — of the mayor, aldermen, and burgesses of Dover: and of inhabitants of Culroy; Dunkeld; Broadclist; and Duntesbourne Militis. — Read, and ordered to lie on the table.

FINANCES OF THE COUNTRY.

Petition of Samuel Wells, of the Fen Office, Serjeant's Inn, in the city of London, barrister at law, and register to the Honourable the corporation of the Great Level of the Fens called Bedford Level, taking a review of the financial condition of the country, and suggesting remedies for correcting the evils complained of, and praying for inquiry into the subject. — Read, and ordered to lie on the table.

PAPERS.

Annual Account of the directors of Margate Pier and Harbour. — Delivered, and ordered to lie on the table.

Thirteenth Report of the Commissioners of the Metropolis Turnpike Roads, North of the Thames. — Delivered (pursuant to Act), and ordered to lie on the table.

Copies of the answers received by the commissioners appointed to inquire as to the best means of establishing an efficient constabulary force, to the following query, circulated by them to magistrates in petty sessions and the guardians of unions: — "Are the beer-shops or public houses within your division the subject of complaint? and are they, in point of fact, ill conducted?" — Delivered (pursuant to Address of Tuesday last), and to be printed.

Adjourned.

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HOUSE OF COMMONS.

PRIVATE BUSINESS.

Margate Pier, — Annual Account presented (by Act); to lie on the table.

London Corporation Estate Bill; Norwich Improvement Bill. — Read a third time, and passed.

Deptford Pier Bill; Sidmouth Improvement and Market Bill. — Read a third time; amendments made; Bills passed.

Harrow School Estate Bill. — Reported, with an amendment; amendment agreed to.

Hodson's Estate Bill. — Reported, without amendment; read a third time, and passed.

Pemberton's Divorce Bill; Hall's Estate Bill; Davie's Estate Bill. — Read a first time; to be read a second time.

The following Bills were severally read a second time, and committed as follows: —

Nottingham Small Debts Bill, — To SIR RONALD FERGUSON and the North Nottingham list.

Mellin's Divorce Bill, — To Mr. LASCELLES and the West Riding of York list.

Reading Estate Bill. — To Mr. FYSHE PALMER and the Berks list.

Glossop Small Debts Bill. — Committee revived; leave to sit and proceed on Friday next.

Warrington Small Debts Bill. — Leave given the committee to make a special Report.

Special Report brought up, and read; to lie on the table, and to be printed.

REDCAR HARBOUR (No. 2.) BILL.

Petition from Tynemouth, in favour.

Petition of the president of the Bristol Chamber of Commerce, Trade, and Manufactures, against.

Ordered to lie on the table.

Motion made by Mr. CAYLEY, and question proposed, — "That the Bill be now read a second time."

Mr. W. ORD. — I rise to oppose the motion. By the Standing Orders, no Report on a Private Bill can be received after the 14th of June. Besides, at this late period of the Session, I think it is quite useless to attempt to proceed with this Bill. I therefore move, as an amendment, that it be read a second time this day three months.

Mr. ALDERMAN THOMPSON. — I second the amendment. My principal objection to the Bill is, that it goes to levy a tax upon all vessels that shall pass the proposed harbour, even supposing they may not run within twenty miles of it, and perhaps not enter it once in twelve months. The House has always disapproved of allowing passing tolls to be levied on shipping in Private Bills, — so much so, that a measure was introduced and passed both Houses, repealing provisions of that kind which had been introduced into the Fishcar Harbour Bill.

SIR F. TRENCH. — I rise to order. I think it is irregular to discuss this Bill in the face of the Standing Order. We are now only at the second reading, whereas the Report ought to have been brought up some days ago.

The SPEAKER. — The House may enlarge the time fixed by the Standing Order for receiving Reports on Private Bills.

Mr. P. THOMSON. — I feel it my duty to oppose any Private Bill which proposes to authorise the levying of passing tolls on shipping. The House has already refused to sanction such provisions, and I entirely agree in the principle of doing so. The imposition of passing tolls must be justified on public grounds, and made the subject of a Public Bill. The Honourable Alderman has

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alluded to the repeal of the Fishcar Harbour Bill last year; but I am sorry to say that, instead of being able to carry that repeal by a Public Bill, I was obliged to pass a Private Act for the purpose. The parties interested in the Fishcar Harbour, however, were gainers by the measure, — for they actually received compensation.

SIR E. CODRINGTON. — Having been a member of the Select Committee on Refuge Harbours, I must say that, from the evidence which was adduced before that committee, and from a strict attention to the subject, I am satisfied that this Bill should be allowed to pass, — inasmuch as it will afford protection, in a very great degree, to life and property. The insurance of ships passing along the North-east coast at present is as much as 10 per cent.; and the imposition of a halfpenny per ton of passing toll will reduce that expense to the owners of those vessels. The construction of a harbour at Redcar would, I am satisfied, be the saving of nine tenths of the lives and property, now, annually lost on that part of the coast. Had there been a harbour of refuge at Redcar, the Forfarshire steamer might have been saved. Nothing is required but a reasonable outlay to improve the natural protection of the locality, which is so available, that a foreign vessel, which had drifted in between the two ledges of rocks, was saved from being wrecked, almost without knowing how. I shall, therefore, support the Bill. If the House do not choose to pass it, then, I say, let a Public Bill be introduced by the Government, and let them bear the whole expense of such a measure. It is the duty of the Board of Trade to protect the valuable lives and property that are too often lost on that exposed and barren coast. I am sorry to see that those whose own lives are not exposed to risk should evince so much indifference to the danger of others.

He jests at scars, that never felt a wound.

Mr. AARON CHAPMAN. — The Gallant Admiral's opinions are entitled to the highest respect on such questions as the present; but the Gallant Admiral is not so well acquainted with the North-east coast as he is with other parts of the world. Those who are locally acquainted with the coast have expressed their disapprobation of such vain and impracticable schemes as this Redcar Harbour. It is a mere coinage of the engineer's brain, who is a most obstinate person. Were the harbour in existence, I should object to that part of the Bill which goes to establish a passing toll. Were it even practicable, it would cost an enormous sum of money to complete it; and even were it completed, no vessel which could keep the open sea would risk going into it.

SIR G. STRICKLAND. — I must say that I am surprised at the observations of the Honourable Member for Whitby, whose evidence before the Refuge Harbour Committee was full of humane principles in reference to the scenes of misery which that Honourable Gentleman described as arising from the loss of lives and property by shipwreck. If proof be still required of the necessity of a refuge harbour at Redcar, I would refer Honourable Members to *Lloyds' List*, where they will find it recorded, that, within the deep bight, on the barren and exposed line of coast formed by North Sunderland Point (near the Fern Islands) and Flamborough Head, — a length of about 100 miles, — no less than 788 vessels were wrecked or driven ashore during 12 years, from 1821 to 1832 inclusive, — or an average of above 65 vessels annually. I admit that the principle of a passing toll is objectionable, if the object can be otherwise accomplished. But I have heard of no other plan by which the means could be procured for the construction of the harbour; and unless it be adopted, this dreadful loss of life and property must continue to be sustained. I wish the Government would take the matter up, and direct a proper survey to be made. Being convinced that the harbour can be made at a moderate expense, I shall support the Bill, which I believe to have for its object the preservation of life and property, and the prevention of much human misery and suffering.

SIR F. TRENCH. — That the North-east coast is in want of refuge harbours is true, but the levying of a passing toll I consider a principle most unjust. Besides, although such a harbour is required, I think it is quite plain that it should not be at Redcar, but rather at Scarborough.

[Laughter.]

Honourable Members may think me prejudiced in favour of Scarborough; but I do maintain that the harbour ought to be at Scarborough, and be made at the Government expense, because a reference to *Lloyds' List*, to which allusion has been already made, will show that three fourths of the shipwrecks on the North-east coast occur within the bight of Scarborough.

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Mr. CRESSWELL.—I have seen many wrecks on the Northumberland coast, and I am confident that not one out of twenty of them would have been prevented by the proposed harbour; for not one vessel out of twenty, caught on a lee shore, would be able to work round Huntly Cliff to reach the harbour; and if she were able, and succeeded in doing so, she would not require the harbour, for she could then keep at sea. If the Bill be brought forward on a ground of humanity, I must only say that I do not think we have any right to gratify our feelings of humanity at the expense of the shipowners.

ADMIRAL SIR C. ADAM.—I wish to make one remark. I have taken great pains to investigate the merits of this Bill. Not trusting to my own opinion, alone, I have taken the advice of Captain Beaufort, the hydrographer to the Admiralty, who is decidedly in favour of a harbour at Redcar, and who says he knows no place more appropriate for the purpose.

Mr. H. LAMBTON.—I shall vote against the Bill, on the ground—which no one has attempted to dispute—of its establishing a system of general taxation under the provisions of a Private Bill. But if the Government of the country will take up the question of refuge harbours, I am satisfied that Members on both sides of the House will support them in such an undertaking,—and I believe that even my Honourable Friend the Member for Kilkenny would not object to the outlay of public money for such a humane and truly national purpose.

Mr. HUME.—I have several times recommended the matter to the attention of the Government, because I always thought it bad economy to allow our ships to be wrecked, and valuable lives lost, owing to a want of proper harbours. My objection to the present Bill is, the levying of passing tolls. When the Honourable Member for Devon moved for a commission to examine that part of the coast, I urged the extension of it so far as to include a survey of the north-eastern coast as far as Tynemouth, and even to the Frith of Forth, in order that we might have the opinions of the ablest men on this point. After what has fallen from the Gallant Admiral the Member for Clackmannan, I trust that this matter will receive the attention of the Board of Admiralty and her Majesty's Government. I do not believe there is a man in this House who would not gladly support the adoption of any real and well digested plan. I will go further, and say that there are many measures of great public utility connected with our naval service, which the Government might have brought forward, but which they have neglected. When I object to money votes, it is to injudicious and useless grants; but I have said again and again that the public money could not be better expended than in obtaining a survey of our coast, and improving our harbours. While, therefore, I shall vote against the Redcar Harbour Bill, I shall be equally ready to support any efficient general plan that may be proposed to accomplish that desirable object.

Mr. CAYLEY.—The Honourable Member for Whitby has represented this as a visionary scheme. Now, I have only to say that it has been recommended by Captain Beaufort, of the Admiralty, by Mr. Cubitt, and other eminent engineers, who have all reported that Redcar is the best place for a refuge harbour. I trust that good will arise out of this discussion; and, after what has fallen from a gallant member of the Board of Admiralty, that the discussion will be followed by something more than words.

DR. LUSHINGTON.—If this were a question whether harbours of refuge were necessary or not, or whether Redcar was a proper spot to select for such a purpose, I would not venture to obtrude my sentiments on the House; but as that is not the question, and I represent a large portion of the shipping interest, I feel it my duty to offer two or three remarks. The real question is, whether the House is prepared to impose a general tax on the shipping interest of the country for the purpose of forming this harbour at Redcar, when that interest has not expressed any opinion in favour of such a measure? There are no persons more astute in attending to their own interests than the shipowners of this country. None are more anxious for the preservation of human life. And no doubt can exist that they would have given their consent to the Bill, had they found it likely to be attended with benefit to themselves, or likely to prevent the loss of life and property. I venture to say, that if you inquire amongst the whole body of shipowners in London, you will not find half a dozen voices in favour of the Bill,—at least, amongst my constituents. I shall therefore vote against it.

Mr. INGHAM.—I do not rise for the purpose of advancing any further arguments against the Bill, but merely to ex-

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ress an earnest hope that the Government ill act upon the suggestion of the Hourable Member for Kilkenny, and initute an inquiry upon the subject, with view to some general public measure.

SIR C. LEMON.—I shall vote against his Bill, because I feel that, if harbours re required, they ought to be built out of he public purse.

Mr. O'CONNELL.—The dictates of umanity render the construction of reuge harbours absolutely necessary; and he only question is, how the expense of heir construction shall be defrayed? I bject to the levying of passing tolls under his Bill; but I think that point might be onsidered in committee.

[Cries of "No, no!"]

The House divided:—Ayes 92; Noes 18;—Majority 86.

AYES.

Ainsworth, P.	Morris, D.
Archbold, R.	O'Callaghan, Hon. C.
Butler, Hon. Colonel	O'Connell, D.
Cavendish, Hon. G. H.	O'Conor Don
Duncombe, T.	Paget, F.
Dundas, F.	Pryme, G.
Dundas, Sir R.	Redington, T. N.
Ellice, E.	Smyth, Sir G. H.
Farnham, E. B.	Speirs, A.
Hill, Lord A. M. C.	Stansfield, W. R. C.
Howard, F. J.	Strickland, Sir G.
Inglis, Sir R. H.	Walker, R.
Langdale, Hon. C.	Wilbraham, G.
Maclean, D.	Williams, W.
Martin, J.	
Maunsell, T. P.	*Tellers.*
Miles, W.	Cayley, E. S.
Moreton, Hon. A. H.	Codrington, Admiral

NOES.

Abercromby, Hon. G. R.	Douglas, Sir C. E.
Aglionby, H. A.	Duke, Sir J.
Aglionby, Major	Dungannon, Lord Vt.
Alsager, Captain	Eastnor, Lord Visct.
Ashley, Lord	Ellice, Rt. Hon. E.
Barnard, E. G.	Ellis, W.
Barron, H. W.	Estcourt, T. (Dev.)
Bell, M.	Evans, W.
Bentinck, Lord G.	Ewart, W.
Bewes, T.	Ferguson, Sir R. A.
Blake, W. J.	Fremantle, Sir T.
Broadley, H.	French, F.
Brotherton, J.	Freshfield, J. W.
Brownrigg, S.	Grant, F. W.
Buck, L. W.	Greene, T.
Buller, Sir J. Y.	Grey, Rt. Hon. Sir G.
Burroughes, H. N.	Grimsditch, T.
Chapman, Sir M. L. C.	Grote, G.
Clerk, Sir G.	Harland, W. C.
Crawford, W.	Harvey, D. W.
Cresswell, C.	Hastie, A.
Dennistoun, J.	Hawes, B.
Dick, Q.	Hayter, W. G.
	Heathcote, Sir W.
Hector, C. J.	Plumptre, J. P.
Hepburn, Sir T. B.	Round, C. G.
Hindley, C.	Round, J.
Hodges, T. L.	Rushbrooke, Colonel
Hodgson, R.	Salwey, Colonel
Hughes, W. B.	Sandon, Lord Viscount
Hume, J.	Sanford, E. A.
Ingham, R.	Sheppard, T.
Irton, S.	Smith, B.
James, Sir W. C.	Stanley, Hon. E. J.
Jervis, S.	Stanley, Lord
Johnstone, H.	Steuart, R.
Lambton, H.	Stewart, James
Langton, W. G.	Stuart, W. V.
Lemon, Sir C.	Style, Sir C.
Lincoln, Earl of	Tancred, H. W.
Lister, E. C.	Thomson, Rt. Hon. C. P.
Lowther, J. H.	
Lushington, Rt. Hn. S.	Thompson, Alderman
Mackinnon, W. A.	Thornely, T.
Macleod, R.	Turner, E.
Macnamara, Major	Turner, W.
M'Taggart, J.	Vere, Sir C. B.
Mahon, Lord Viscount	Vivian, J. H.
Marshall, W.	Wall, C. B.
Marsland, H.	Wallace, R.
Maule, Hon. F.	Warburton, H.
Miles, P. W. S.	White, A.
O'Brien, W. S.	Williams, W. A.
Ord, W.	Wilshere, W.
Palmer, C. F.	Winnington, T. E.
Palmer, R.	Winnington, H. J.
Parker, R. T.	Wood, T.
Parnell, Rt. Hon. Sir H.	Wrightson, W. B.
Parrott, J.	*Tellers.*
Patten, J. W.	Chapman, A.
Pattison, J.	Trench, Sir F.
Philips, M.	

Question, as amended, put, and agreed to. Bill put off for three months.

LONDON CITY POLICE BILL.

Read a third time.

Mr. F. MAULE.—I have here several clauses which I intend to propose shall be added to this Bill by way of rider. The course I mean to pursue with regard to them is, to move that they be read a first and second time, and then be referred to the committee to which the London Police Bill was referred, in order that the committee may report that they are proper clauses to be inserted.

Mr. T. DUNCOMBE.—I think, Sir, that this is a most extraordinary proceeding to adopt in reference to a Private Bill, or, at least, a Bill which we are, on one day, told is a Private Bill, and, on another, a Public Bill,—as it suits the purposes of the time. I do not object to the Bill as it now stands; but I do object to almost every one of the clauses, thirty-four in number, which it is proposed to introduce. Why were not these clauses introduced when the Bill was in committee? The truth is, they are of an

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objectionable nature, and therefore an attempt is made to smuggle them through by means of a committee up-stairs. They make a great alteration in the law, as they confer upon magistrates a summary power which they do not now possess. The other Bill is to extend fifteen miles round London, and this Bill is to form the model for a rural police. The House ought, therefore, to look at these clauses with the greatest jealousy. I object to their being referred to a select committee. If they are good, let them be publicly discussed in the House, for it is but right that two millions of her Majesty's subjects should know the law which is to guide them hereafter.

LORD JOHN RUSSELL.—I am sure that those Gentlemen who attended to the discussion, the other evening, will think that the Honourable Member for Finsbury is rather inconsistent. The same clauses were discussed in committee on the Metropolitan Police Bill, and agreed to by a committee of the whole House. Upon that occasion the Honourable Gentleman said, that if they were good on this side of Temple Bar, they were good on the other; and, now, the Honourable Gentleman turns round and complains of their being extended to the city!

Mr. T. DUNCOMBE. — Yes; but I did not say they "were" good for either.

Mr. GOULBURN. — I hope that the clauses which it is proposed to introduce will have the effect of removing the apprehension of the Honourable Member for Finsbury, touching the extension of the operation of this Bill to the rural districts. I trust that no such scheme need be apprehended. At the same time, I cannot understand why these clauses were not introduced at the proper stage. I think it highly improper to have recourse to this anomalous course of inserting them after the third reading of the Bill.

Mr. F. MAULE. — It did not occur to the committee to introduce the clauses till after the discussion which took place on the Metropolitan Police Bill. All the clauses, except two or three, are already the law of the land.

Mr. W. WILLIAMS. — I concur with the Honourable Member for Finsbury in condemning the course which has been pursued with respect to this Bill. It is a measure which affects so large a portion of the people, that it ought to have been made a Public Bill, and not left to the management of a private committee. I am opposed to these clauses, and will oppose them in every stage.

LORD J. RUSSELL. — I think it might be better not to introduce the clauses into this Bill, but, on the recommitment of the Metropolitan Police Bill, I would introduce a clause to declare that these particular clauses should apply as well to the city as to the metropolitan district; and this would then come under the consideration of a committee of the whole House.

SIR R. PEEL.—In my opinion, whatever is the proper law for the metropolitan district, ought to be the law for the city; for there would be no good in establishing a new law for the police, if we did not include the city as well as that part of the metropolis, which is, in fact, the town. I would suggest that the present Bill should be withdrawn; and that, after the clauses shall have been agreed to in the Metropolitan Police Bill, a fresh City Bill should be introduced, containing these clauses, and that that should be pressed without opposition to the same stage as the present Bill now stands.

MAJOR WOOD.— Sir, on the part of my constituents, I must protest against its being thought that these clauses have been yet sufficiently considered in committee. They are, at any rate, peculiarly fitted for, and ought to be limited to, town districts.

Mr. F. MAULE. — Sir, as the Right Honourable Gentleman thinks that the course proposed would expose the discussion of the Bill to interruption, I will propose to withdraw all the clauses, except two or three necessary to be introduced into this Bill; and I now give notice that when the General Metropolitan Police Bill shall be under discussion, I will introduce words to declare that these clauses shall extend to the city. The first clause which I would add to the present Bill declares, that the Secretary of State, in case of emergency, shall have power to permit the metropolitan police to act within the city of London under the authority of their own officers, and the London police to act in the same manner within the metropolitan districts. Honourable Gentlemen will see that such a provision will be necessary to meet the disturbance generally attendant on the first establishment of a police force in any district.

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Mr. GOULBURN. — It really strikes me that the course proposed will be subject to great inconvenience. You will have one Bill for the metropolitan police, and another for the city police. I think the better way would be, to postpone these two Bills, and introduce another, bringing both forces under one head.

Mr. WAKLEY. — Sir, I hope that the Noble Lord will accede to the request of the Right Honourable Gentleman; for, without it, it is impossible to do justice to the public. Two Bills are before the House, one for the metropolitan police, and the other for the London police. Looking at the two Bills, I see in them no uniformity, — one being a Private, the other a Public, Bill; and I should like to know which Bill is recommended by the Government? I desire that one Bill should be perfect, before we go on to legislate upon the other; and I hope that, if these clauses are brought up, they will be printed before they are taken into consideration, and that, therefore, the question, "That the Bill do pass," will not be put this evening.

Mr. FOX MAULE. — I have no objection to adopt the course recommended by the Right Honourable Gentleman, and will therefore consent to an opportunity being afforded to consider the subject in a committee of the whole House.

Mr. LEADER. — I am not sure whether I am strictly regular in alluding to the subject to which I am about to refer, but I will take the chance of obtaining the attention of the House to the observations which I am about to make. I beg to draw the attention of Honourable Members to the seventh clause in the Bill; and I wish to be informed what is the meaning of the provisions contained in it? It purports to enact that the commissioner of police shall not hold a seat in Parliament. I believe that this enactment is especially aimed against an Honourable Member of this House.

[Cries of "No!"]

It is very easy to say "No!" — but I should like to be informed for what purpose the clause was put into the Bill? and unless some good reason be shown for its adoption, I shall oppose it.

Mr. MACKINNON. — Sir, I am sure that no instance can be cited, in which any attempt has been made to deprive a Member of his seat in this House, — by a Private Bill. If we make an objection in the case of the commissioner of police, the argument might, with equal justice, apply to the recorder, or any other officer of the same description. It might be said, perhaps, with some show of propriety, that the commissioner ought not to sit as Member for the city of London; but if the principle were to be extended beyond that point, I think that the House would act with great unfairness.

The SPEAKER. — The question now before the House is upon the subject of bringing up certain clauses. The section of the Bill to which the Honourable Members have referred, is not, therefore, under consideration.

On the motion of Mr. FOX MAULE, the clauses were then ordered to be printed, and to be further considered on Wednesday next.

PUBLIC BUSINESS.

MESSAGE FROM THE LORDS,

That they have agreed to — Sawmill Ford Bridge and Road Bill; Edinburgh, Leith, and Newhaven Railway Bill; Birmingham Canal Bill; Preston and Wyre Railway and Harbour, and Preston and Wyre Dock Bill; Glasgow and Renfrew Road Bill, without amendment: Waterford Fever Hospital Bill, with amendments.

That they have passed a Bill, intituled, "An Act for regulating the Proceedings in the Borough Courts of England and Wales:"

Also, a Bill, intituled, "An Act to dissolve the Marriage of Edward Leigh Pemberton with Charlotte, his now Wife, and to enable him to marry again, and for other Purposes therein mentioned:"

Also, a Bill, intituled, "An Act for effecting an Exchange of Mines and Lands between Sir Benjamin Hall, Baronet, and others, and Capel Hanbury Leigh, Esquire, and others:"

Also, a Bill, intituled, "An Act for vesting Parts of the Estates of Sir John Davie, Baronet, deceased, in Trustees, upon Trust to be sold, and for laying out the Purchase Money, under the Direction of the Court of Chancery, in the Purchase of other Estates, to be settled to the same Uses."

That they do communicate to this House the minutes of evidence taken before their Lordships upon the Bill intituled "An Act to dissolve the Marriage of Robert Allison with Mary Ann, his now Wife, and to enable him to marry

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again, and for other Purposes therein mentioned," as desired by this House; and that they do request that the said minutes of evidence may be returned to them.

ADMIRALTY COURT.

Bill "to make Provision for the Judge, Registrar, and Marshal of the High Court of Admiralty, and to extend the Jurisdiction and improve the Practice of the Court." — Presented, and read a first time; to be read a second time on Friday next, and to be printed.

ECCLESIASTICAL COURTS (IRELAND).

Bill "to consolidate the Jurisdiction of the several Ecclesiastical Courts in Ireland into one Court, and to enlarge the Powers and Authorities of such Court, and to alter and amend the Law in certain Matters Ecclesiastical." — Presented, and read a first time; to be read a second time on Monday, 1st of July, and to be printed.

RETURNS.

Sugar. — On the motion of Mr. CRESSWELL, Return ordered —

Of all foreign sugar refined in bond in the port of London and the outports, and to what places, with the respective quantities, the same has been exported, from the 1st day of January, 1839, to the latest period.

Cotton. — On the motion of Mr. CRESSWELL, Return ordered —

Of the quantity of cotton, in number of bags and pounds nett weight, imported from the United States of America into Great Britain, from the 5th day of January, to the 5th day of June, in the years 1838 and 1839 respectively; distinguishing the ports from which shipped from the United States, and to which imported into Great Britain.

MISCELLANEOUS PETITIONS.

The following petitions were severally presented, and ordered to lie on the table; namely, —

Shannon Navigation Improvement Bill, — From the company of undertakers of the Grand Canal, praying to be heard at the bar of the House, or otherwise, against the Bill, and in defence of their corporate rights, privileges, and immunities, by themselves, counsel, and agents.

Postage, — For a low and uniform rate, — from the convener and commissioners of the eight southern districts of Edinburgh; and Falmouth union.

Lord's Day. — Two petitions from Winster, for better observance.

Poor Law Amendment Act, — From Stokesley union, for alteration regarding settlement.

Education, — From Cheshunt, against the proposed scheme.

Queen's Printer (Scotland), — Of the moderator and clerk of the United Associate congregation of Bristo Street, Edinburgh, against renewal of the patent for printing Bibles.

AFFAIRS OF PERSIA.

Mr. MACKINNON. — Sir, seeing the Noble Lord the Secretary for Foreign Affairs in his place, I beg to ask a question of him with regard to the Persian mission. Her Majesty, in her Speech from the throne, said, "Differences which have arisen have occasioned the retirement of my Minister from the Court of Teheran;" and it appears that Sir John M'Neill has been in this country for some time past, and has had an audience of her Majesty. I wish to know, then, whether that mission has terminated? It appears, also, that the secretary to the embassy is still in Turkey, and is at Erzeroum, within eleven days' journey of Teheran; and it is further stated that there has been some substantial difference between this country and Persia, and that the Government of this country has refused to receive the envoy of Persia. I desire to be furnished with some information upon that subject. And I shall also request an answer upon a third point. We are aware that 12,000*l.* are allowed annually by the East India Company to defray the expenses of the mission to Persia; and I contend, that, although that is paid by the East India Company, yet that it is within the control of this House, as being also under the control of the Noble Lord. I wish to know, then, how that money is now expended? and whether the persons who compose the embassy continue to receive their salaries?

VISCOUNT PALMERSTON. — The Honourable Gentleman has indulged in a very long exordium to a very short question. I might answer him in a very few words, but that I conceive it proper to set

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him right upon some of the facts which he has stated. We must all know that when differences arise between two Governments, it often happens that the envoy of one of them is withdrawn, without putting an end to any amicable communications which may have been opened. In the present instance, the difference which exists is very far short of an absolute rupture, and a temporary retirement of the mission has taken place. That is the state in which we stand with regard to Persia. Sir John M'Neill is at home on leave of absence, which was granted to him before the occurrence that gave rise to the retirement of his successor; and although he has had an audience of her Majesty, this must not be supposed to have been granted on the conclusion of this mission, but only on his return upon leave of absence. The *chargé d'affaires* has withdrawn from the territories of Persia on account of difficulties which have intervened in our relations with the Schah; but he was ordered to remain at Erzeroum, the nearest point to the Persian frontier, for the express purpose of being at hand to receive any communication which might be made. On the other hand, the Persian Government has sent an ambassador to this country; but he has been told that he cannot be received until the differences between the two countries shall have been arranged. The ambassador is now in London, and I have had some private communications with him. Now, for the last question, it has happened, as in previous similar instances, that the mission is not at an end, but has only retired. Sir John M'Neill is subject to the regulations which exist in other analogous instances, and his salary will be reduced by one half during his absence. The *chargé d'affaires* does the duties of the office, and receives the salary of the envoy. The expenses of the mission, therefore, go on as if the envoy had not returned from Persia.

Mr. MACLEAN. — As we are not at war with Persia, I beg to ask whether sufficient reparation has been made by the Schah for the insult offered to the messenger of Sir John M'Neill? I desire to ask, also, whether the Noble Viscount is satisfied with the explanation which has been given by Count Nesselrode of the conduct of Count Simonich and Lieutenant Viscovitch, in certain proceedings of theirs in connection with the negotiations with Persia? There is another question which I wish to put, and that will be all. I wish to ask whether any account has been received in this country (as we are not at war with Persia) of an outrage having been perpetrated upon Admiral Sir Frederick Maitland, of the ship Wellesley, and his boat's crew, off Bushire? An account has reached me from the Wellesley, by which I am given to understand that when Sir F. Maitland proposed to land, he was told that he should not land at the usual place of ceremony, but that he should go to the Custom-house. He refused to do so, however, but landed in the place usually appropriated to persons holding rank similar to his own. He was fired on by the soldiers of the Schah, and several of his men had bullets through their hats and clothes. He returned the fire, and killed two or three of the individuals who had opposed him. I beg to inquire, therefore, whether the Noble Viscount has received any despatches from the Wellesley, giving him an account of this outrage?

VISCOUNT PALMERSTON. — Sir, with regard to the first question of the Honourable Member, I beg to state that no sufficient reparation has yet been made by the Schah for the outrage upon the messenger of Sir John M'Neill. As to the explanation of the Russian Government in reference to the conduct of Count Simonich, I can only refer the Honourable Gentleman to the papers which have been laid upon the table of the House, which contain matter from which he may infer an answer to his question. We are certainly not at war with Persia, though there has occurred a serious interruption in our relations with that power. With regard to the affair at Bushire, I have received notice of the occurrence; but the facts are not exactly as they have been stated by the Honourable Gentleman, although very nearly so. No difficulty was experienced by Sir F. Maitland as to his landing, and after his landing he had an amicable communication with the Government; but the difficulty which arose referred to the manner in which he should embark. The Governor insisted that that embarkation should take place at the Custom-house quay instead of the usual landing place of the residency; but Sir F. Maitland having been informed by those captains who were on the service, and had been accustomed to the manners of the place, that an indignity was intended to be offered to him which he ought not to submit to, therefore insisted on embarking at the quay opposite the residence. He had previously taken measures of precaution, and had the boats of the Wellesley ready. Shots were

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exchanged. He, however, embarked as he had announced his intention to do; and, in consequence, the resident of the East India Company had accompanied the Admiral to the Island of Karak. A communication was afterwards made on the part of the Government of Fars; and when the last accounts left, Admiral Sir F. Maitland was going back to Bushire, to have some communications with the authorities upon the subject.

SIR S. CANNING.—Before the discussion terminates, I should be glad to be informed by the Noble Lord, whether the confidential communications which he has stated to be going on between him and the Persian ambassador have ceased?

VISCOUNT PALMERSTON. — I have recently seen the ambassador, and shall, most likely, see him again before he quits England. The plan which he has submitted to me is of a nature to prevent its being received, here, officially.

Mr. MACKINNON.—Sir, I beg leave to move for a Return of the expenses of the Persian mission from May, 1837, to June, 1838.

VISCOUNT PALMERSTON. — I have no objection to the Return being made.

Mr. MACLEAN.—May I inquire whether there would be any objection to a Return being given from the despatches to which I have referred, showing the number of persons killed at the affair at Bushire?

SIR J. C. HOBHOUSE.—No one was killed, on either side.

MINISTERS' MONEY.

Mr. W. S. O'BRIEN.—Sir, I beg to inquire of the Noble Lord the Secretary for Ireland, whether he intends to introduce any measure, during the present Session, upon the subject of the payment of ministers' money in Ireland?

LORD VISCOUNT MORPETH.—I think that it would be for the general convenience of legislation to postpone the arrangement of the question of the valuation of the city of Dublin until the valuation shall take place under the poor law.

AFRICA.

DOCTOR LUSHINGTON.—Sir, I have to ask the Noble Viscount a question relative to a matter to which I have before called the attention of the House,—I mean the subject of the loss sustained by certain British merchants, in consequence of an attack made upon them by the French, at Portendic, on the coast of Africa. I desire to know whether anything has been done in reference to the circumstances of that case?

VISCOUNT PALMERSTON.—Before I undertook to take any decided course upon the subject, I thought it to be my duty to refer to the Queen's Advocate. I received the Report of that officer only a few days ago, and have not yet been able to make any communication to the French Government; but I shall do so, immediately.

BANK OF IRELAND.

Mr. HUME. — Sir, I have to observe, in respect to my motion, having reference to Irish banks, that I think it would be better that one discussion, only, should take place on that matter, than two. I beg to ask the Right Honourable Gentleman the Chancellor of the Exchequer, therefore, whether he intends to bring on his motion with regard to the Irish Bank Charter?—and I would express a hope that he will fix an early day for its discussion, in the event of his declaring his determination to proceed with the notice on this head, which he has given.

The CHANCELLOR of the EXCHEQUER.—I agree with the Honourable Gentleman as to the expediency of having only one debate on this business. I wrote to Dublin as soon as ever I saw the motion of the Honourable Gentleman on the paper, calling the attention of the board of directors of the Bank to the circumstance, and suggesting to them that they should come over to be present at the discussion. I expect that they will be in town in a few days, and I will then state the day on which I will bring the subject before the House.

Mr. HUME.—I hope that it will be in the course of the next week.

TRADE WITH NAPLES.

LORD VISCOUNT SANDON.—Sir, I wish to ask the Right Honourable the President of the Board of Trade, whether he has taken any steps with reference to the Neapolitan sulphur monopoly?

Mr. C. P. THOMSON.—A negotia-

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ion has been commenced with a view to he adoption of a commercial treaty advantageous to both countries; and I think hat, in the event of its being completed, he existing monopoly will be destroyed.

CUSTOMS DUTIES.

LORD GRANVILLE SOMERSET. – Will the Right Honourable Gentleman ay whether he intends to bring in any Bill for the regulation of the customs luties this Session?

Mr. C. P. THOMSON. — It will not e in my power to introduce any Bill luring the present Session, in reference to the customs duties. I propose, however, to introduce a measure upon the subject of bonding goods.

ELECTIONS JURISDICTION.

SIR R. PEEL. — Sir, I wish to ask the Noble Lord opposite, when he intends to proceed with the Elections Jurisdiction Bill?

LORD J. RUSSELL. — On Friday next, if convenient to the Right Honourable Gentleman.

EDUCATION.

SIR R. PEEL. — Sir, I hope the Noble Lord will state, with respect to the business to be taken on Monday next, whether he means to propose that the House should resolve itself into a Committee of Supply at the earliest period on Monday? or at what other hour? And as I apprehend that it will be impossible to make any motion in the nature of an instruction to the committee, if the rule observed last year be pursued, which was that of moving a grant to the National School Society and the British and Foreign School Society, — I think it right to notify to the House that no preliminary discussion will take place; but that the probability is, that the sense of the House will be taken on the votes.

Mr. HUME. — May I ask the Right Honourable Baronet opposite, whether his motion will be against the education vote?

SIR R. PEEL. — I intend to meet it with a direct negative.

LORD J. RUSSELL. — I beg to state, in answer to the Right Honourable Baronet, that, on Monday next, I propose to move the Committee of Supply before any other business; and as I do not anticipate any discussion on going into committee, I shall propose the vote for education.

SIR R. PEEL. — Sir, in reference to the answer I have given to the Honourable Member for Kilkenny, I beg to say that I do not wish the Honourable Member to infer that I object to any vote for education, or that I desire to stultify my vote of last year in favour of the grant to the British and Foreign School Society; but I wish him to understand that I have no other mode left me of objecting to the proposed Government scheme of education, than to meet the motion for a grant of money for that purpose by a direct negative.

PRISONS BILL.

LORD J. RUSSELL. — Sir, I beg leave to move that the Prisons Bill be now read a third time.

Mr. PAKINGTON. — Sir, I am sorry to say that I feel it my imperative duty to oppose the further progress of this Bill, and I trust I shall not in vain request the kind attention of the House during the period for which it will be absolutely necessary I should detain them. I have already stated the strong objections I have to the fourteenth clause, enabling the dissenting ministers to visit the gaols; but as that clause, against which I have already recorded my vote, may form the subject of a specific motion by the Noble Lord the Member for Marylebone (Lord Teignmouth), I will not now trouble the House with any observations in support of my objection to that particular provision of the Bill. With respect to the clause forbidding the officers to employ prisoners, I think that rule too strict. My further objections are to the second and third clauses, which give magistrates the power to order separate confinement, without any limitation or restriction upon them, whatsoever. I assure the Noble Lord the Secretary for the Home Department that, in objecting on that ground to the further progress of this Bill, I have no intention or wish to act in any way that might be considered to constitute a groundless opposition: I give the Noble Lord every credit for a desire to improve the prison discipline of the country; but I submit that this important change in the principle of prison discipline throughout the kingdom admits of very considerable doubts as to its propriety. The Noble Lord, I believe, relies,

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for the support of this measure, on the results which have been shown to attend the system of separate confinement in the Penitentiary at Philadelphia, and on the report of the inspectors of the prison at Glasgow. That being the case, I must be allowed to refer to authentic returns in reference to the results of the system in the Penitentiary at Philadelphia; and in doing so, I do not trust to persons who might be supposed to be led away by their own prejudices or by private bias, — but to documents, the authenticity of which cannot be questioned. In page 334. of the book I hold in my hand, — and to which reference, on a former occasion, was made by the Honourable Member for Lambeth (Mr. Hawes), — I find it distinctly laid down that the system of separate confinement in the Penitentiary at Philadelphia has not produced those effects, in the suppression or diminution of crime, which its early friends anticipated; and that for the last three years, prior to 1837, the mortality in that prison had regularly and constantly increased, — thereby showing the injurious effects of the system upon the health of the prisoners. Again, in page 241., the letter of a medical gentleman demonstrates that its injurious effects were not confined to the bodily, but extended to the mental, health of the prisoners; for it is stated, that, while 17 out of 318 prisoners died, there were no less than 14 cases of insanity within a very short period of time. Indeed, the returns show the important fact that the mortality in the Philadelphia Penitentiary has been twice as great as that in the prisons of New Hampshire and other states, where the separate system is not in force. The first proposition, then, I lay down, is, that whatever degree of punishment may be alloted to certain crimes, the Legislature has no right to adopt any system which might incur danger to the bodily, still less to the mental, health of prisoners whose offences have brought them under the lash of the law; and I oppose this Bill, because I think — and I am justified in the opinion by the results I have stated — that the system it establishes produces both those effects. I beg, now, for a moment, to call the attention of the House to the recommendation of the inspectors of prisons with respect to solitary confinement. They suggest that each prisoner should be confined in an apartment 10 feet square and 10 feet high; — the prisoner to have no egress from this apartment. To this I object, as confinement unnecessarily strict. Objecting, also, to the provisions of the Bill with respect to the discipline of persons committed for safe custody, and not convicted, — provisions which have been left in a most unsatisfactory state, — and having my own strong feeling against the system fortified by the results which have arisen from it in America, I feel it my duty to resist the adoption, at a large expense, of such a system throughout England; and I shall therefore move that the Bill be read a third time this day six months.

Mr. DARBY. — I have much pleasure in seconding the amendment. The Bill will occasion large expenses, with very little chance of success. Neither the results at Glasgow, nor those obtained at Philadelphia, afford sufficient evidence to show that the system is practicable throughout the country; and on that ground I must support the amendment.

LORD J. RUSSELL. — Sir, the objection of the Honourable Member opposite is at present confined to the system of separate confinement, — though that system has been approved by persons of the highest authority, who have seen it in operation in America. What is proposed by this Bill is, to enable the proper authorities in each county to introduce his system into the prisons respectively under their superintendence, if they shall think fit. The Honourable Member, however, seems determined that the system should be totally excluded from the prisons of the country. I have reduced the powers conferred by the Bill to the lowest possible degree; but now, after the question has already been so much discussed, I do not think it necessary to prove facts which have already been made matter of demonstration as much as anything can possibly be.

LORD VISCOUNT DUNGANNON. — Sir, I have listened, with great attention, to the Honourable Member, and I must express my entire concurrence in the humane and considerate view which he has taken of this question. I must declare my disapprobation of the principle of intrusting to individuals connected with the government of prisons, the power of inflicting solitary confinement. I am aware that the evils of the present system are great; but still I must deprecate anything like hasty legislation in a matter of so much importance. I must say that the observations of the Honourable Member for Droitwich deserve the maturest consideration: and here I must take the opportunity of observing that, although I have not the honour to be connected with the part of the country in which the Honourable Gentleman resides, I am no stranger

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to his merits; for his reputation as a magistrate, and a chairman of quarter sessions, has spread far and wide. He has paid great attention to the subject of the regulation of gaols; and I am sure he is one of those who is willing to temper severity with justice and mercy. Although I should have been unwilling, in the first instance, however I may disapprove of this Bill, — particularly of the fourteenth clause, — to adopt a course calculated to put an end to the Bill altogether, yet, when I look at that clause, and consider all the circumstances, I feel it my duty, for the reasons I have before stated, to vote with the Honourable Member for Droitwich.

Mr. W. MILES. — When I hear Honourable Gentlemen place the system of separate confinement side by side with the system of solitary confinement, I must say that they cannot have read the papers laid upon the table of the House. I trust that the Bill will speedily come into operation, for I consider it the best system which has yet been introduced; and I shall give the Noble Lord my best support.

The House then divided: — Ayes 126; Noes 21; — Majority 105.

AYES.

Adam, Admiral	Duke, Sir J.
Aglionby, H. A.	Duncombe, T.
Aglionby, Major	Easthope, J.
Anson, Hon. Colonel	Elliot, Lord
Archbold, R.	Elliot, Hon. J. E.
Baines, E.	Ewart, W.
Baring, F. T.	Fenton, J.
Barnard, E. G.	Fitzroy, Lord C.
Barry, G. S.	Fleetwood, Sir P. H.
Beamish, F. B.	Gibson, T. M.
Bellew, R. M.	Grattan, H.
Berkeley, Hon. H.	Greenaway, C.
Bernal, R.	Grey, Rt. Hon. Sir G.
Bethell, R.	Hawes, B.
Bewes, T.	Hector, C. J.
Blair, J.	Hobhouse, T. B.
Blake, M. J.	Hoskins, K.
Blake, W. J.	Howard, P. H.
Bodkin, J. J.	Hughes, W. B.
Bowes, J.	Hume, J.
Bridgeman, H.	Hutt, W.
Broadley, H.	Hutton, R.
Brodie, W. B.	Kemble, H.
Bruges, W. H. L.	Langdale, Hon. C.
Buller, C.	Lascelles, Hon. W. S.
Burroughes, H. N.	Lemon, Sir C.
Butler, Hon. Colonel	Macleod, R.
Callaghan, D.	Marshall, W.
Campbell, Sir J.	Marsland, H.
Chalmers, P.	Melgund, Lord Visct.
Chester, H.	Miles, W.
Clive, Hon. R. H.	Morpeth, Lord Visct.
Collier, J.	Murray, A.
Dalmeny, Lord	Nagle, Sir R.
Davies, Colonel	O'Brien, W. S.
Donkin, Sir R. S.	O'Connell, John
Douglas, Sir C. E.	O'Connell, M. J.
O'Connell, Maurice	Talfourd, Mr. Serjeant
O'Conor Don	Tancred, H. W.
O'Ferrall, R. M.	Teignmouth, Lord
Paget, F.	Thomson, Rt. Hon. C. P.
Palmer, C. F.	Thornely, T.
Palmerston, Lord Vt.	Turner, E.
Parker, J. (Sheff.)	Vigors, N. A.
Parrott, J.	Wakley, T.
Pendarves, E. W. W.	Walker, R.
Pigot, D. R.	Wall, C. B.
Power, James	Warburton, H.
Price, Sir R.	White, A.
Pusey, P.	White, S.
Redington, T. N.	Wilbraham, G.
Rice, Rt. Hon. T. S.	Williams, W.
Roche, W.	Williams, W. A.
Rolfe, Sir R. M.	Winnington, T. E.
Russell, Lord J.	Winnington, H. J.
Salwey, Colonel	Wood, C.
Sheil, R. L.	Wood, G. W.
Smith, J. A.	Wrightson, W. B.
Smith, B.	Wyse, T.
Somerville, Sir W. M.	Yates, J. A.
Steuart, R.	
Stewart, James	
Stuart, Lord J.	*Tellers.*
Stuart, W. V.	Maule, Hon. F.
Strickland, Sir G.	Stanley, E. J.
Strutt, E.	

NOES.

Burr, H.	Maunsell, T. P.
Darby, G.	Parker, R. T.
Ellis, J.	Plumptre, J. P.
Fielden, J.	Polhill, F.
Grimston, Lord Visct.	Richards, R.
Henniker, Lord	Sandon, Lord Visct.
Hodgson, R.	Smith, A.
Inglis, Sir R. H.	Smyth, Sir G. H.
Irton, S.	
Johnson, General	*Tellers.*
Law, Hon. C. E.	Dungannon, Lord Vt.
Lefroy, Right Hon. T.	Pakington, J. S.
Lincoln, Earl of	

Main question put, and agreed to; Bill read a third time; clauses added; amendments made; amendment proposed, in pr. 11. line 8., to leave out from "superannuated" to "and" in line 38. — Question, "That the words proposed to be left out stand part of the Bill," put, and agreed to.

On the question, "That this Bill do pass," —

LORD TEIGNMOUTH said: — If I had had the least expectation that the fourteenth clause would have formed part of this Bill, and become the law of the land, I certainly should have given the Bill my most decided opposition. Several Honourable Gentlemen who divided on the second reading of this Bill, did so under the impression that this clause would be left out. I, for one, must complain of the manner in which this clause has been smuggled through the House; and it may be remembered that the Ho-

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nourable and Learned Member for Dublin, whom I do not now see in his place, when this clause was originally brought forward, objected to its being discussed at so late an hour as eleven o'clock at night. The clause was then postponed; and since, the discussion has been stifled; and as Honourable Gentlemen could not beat us by fair argument, they have resorted to artifice. Many Honourable Members were induced to support the provision by the argument that, as prisoners were deprived of the means of obtaining such religious instruction as they, themselves, might wish to receive, and such as they might, if at liberty, have been able to procure, it is right that means should be provided of supplying that which has been thus taken away from them. But this is a perfect fallacy; because, in point of fact, religious teachers of all persuasions are permitted to go, and do go, into gaols. Besides, if the principle be worth anything, it must apply with much greater force to sailors in the navy, who are shut up in ships, and utterly deprived of the power of resorting to religious instructors of their own choosing; and it must also apply to soldiers serving on foreign stations. The real question is this, — Does there really exist any grievance on this head? Now, I have communicated with the chaplains of several gaols in different parts of the country, and particularly in London, Manchester, and Bristol; and I have learned from them that complaints are never made by prisoners on account of their religious scruples being interfered with. By the introduction, therefore, of this clause, the House will not remedy any practical evil, but it will establish a precedent which I cannot but regard as one fraught with danger to the established church. Sir, I have thought it my duty to make these few observations; but, at the same time, I will not put the House to the trouble of dividing.

Mr. FOX MAULE. — It is not my intention to discuss this question, again, on its principle; but I must protest against the statement of the Noble Lord, that this clause has been smuggled through the House. If ever there was ample opportunity given for the full discussion of any measure, it was given as to this clause; for it was, I believe, debated on no less than four several occasions, and every facility has been afforded for its public consideration. Now, it does so happen, that even on this very occasion, after the fullest notice for to-night has been given, scarcely one of the Honourable Gentlemen opposite, who are considered the leaders of their party, have thought it worth while to be present; and I think I may fairly infer, from their absence, that, after the full discussion which has taken place, they do not feel themselves justified in opposing the clause any further. I will now merely make one remark in answer to an observation which fell from the Noble Lord. The Noble Lord drew a parallel between those who are shut up in prison, and those who are embarked on board the ships of our navy, or who are in our army on foreign stations, without the benefit of religious instruction. But the Noble Lord must see this difference, — that those who enlist in the army, or who enter the sea service, do so voluntarily, and they know, perfectly well, to what extent they are to receive, or be deprived of, religious instruction; but, on the other hand, if you remove men into a prison, — away from all society, — from all opportunity of receiving that spiritual instruction to which they have been accustomed, — I think you are bound to provide it for them.

Mr. PRYME. — Although I respect the Noble Lord's motives, I cannot agree with him that, even supposing Roman Catholic prisoners have shown indifference, in confinement, to the consolations of religion, they are therefore to be refused the advantage of moral and spiritual instruction. I maintain the very contrary. Where the lives of individuals are at variance with the precepts of religion, it becomes the more necessary to teach them the value and importance of those precepts.

Mr. LANGDALE. — This question was fully discussed in two long debates, in which the Noble Lord the Member for North Lancashire and the Right Honourable Gentleman the Member for Tamworth took part. The Noble Lord, therefore, has nothing to complain of on that head. The Noble Lord has said that, by this clause, a blow is aimed at the established church. Now, that blow, I, for one, have never attempted to deal, and never will. I have been informed, that in districts where Roman Catholics are numerous, the Roman Catholic clergymen have been obliged to leave their congregations to attend to prisoners in the care of the state. It therefore appears to me just that the state should make provision for the religious instruction of those prisoners. It is now proposed to separate the inmates of prisons, in order the more effectually to give them moral and religious instruction. That being the case, I would ask, can the House refuse to furnish them with that instruction which, alone, they will be willing to receive?

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Mr. ESTCOURT. — I object more particularly to that part of the clause which states, that whenever Dissenters of a certain denomination shall amount to a certain number, in a prison, a chaplain shall be provided for them, than as to the particular sect for which such chaplain may be required. I see no reason why fifty prisoners should be regarded, in this respect, of any greater importance than five prisoners. Is the soul of one of the fifty more valuable than one of the five? Besides, the chaplain to a gaol is a very important officer, whose authority would be considerably diminished by the introduction of other chaplains. I regret that the Noble Lord does not divide the House on this clause, — against which I must protest, as calculated to lead to very great inconvenience, and as being highly injurious to the prison discipline of this country.

Mr. M. J. O'CONNELL. — I must say, I think it rather singular that the Honourable Gentleman who has just spoken should have reserved his objections in point of detail, while he had advanced none against the principle of the clause, for this stage of the Bill. If the Honourable Member will move that the number be reduced, I will support him; and if, in the operation of the Bill, it is found to be too many, I am sure no objection will be made to reduce it. The Noble Lord has said that danger to the church will result from the principle of this clause. Surely the Noble Lord, who belongs to the Irish peerage, must be aware that the same principle is already acted on in the gaols of Ireland? and if it do not endanger the church, there, I see no reason for supposing it will do so, in England.

The Bill was then passed.

SITTING OF THE HOUSE.

On the motion of Mr. FOX MAULE, House, at rising, to adjourn till Monday next.

METROPOLIS POLICE AND METROPOLITAN POLICE COURTS BILL.

Mr. Fox Maule moved the Order of the Day for the House going into committee on this Bill.

On the question being put, —

Mr. SERJEANT TALFOURD said: — I really must oppose the further proceeding with this Order.

Mr. FOX MAULE. — It is the next Order of the Day.

Mr. SERJEANT TALFOURD. — Yes; but it was arranged that the Copyright Bill should have precedence.

Mr. FOX MAULE. — I cannot think that this vote of money will take up any time, because, in fact, we already have, by law, the sum we ask; and the vote is only to enable us to put it to use. For some time I have been endeavouring to get this vote. The Government business is actually at a stand, and I must be excused if I press this motion.

CAPTAIN WOOD. — I take this opportunity of calling attention to a petition which has been intrusted to me, from Enfield, complaining that a new system of police is now to be introduced, founded upon a principle inconsistent with the chartered rights of Englishmen; and for the support of that arbitrary system a tax is to be imposed, which will press heavily upon all but the wealthy classes.

Mr. HUME. — The Honourable Gentleman is mistaken. This is another Bill altogether from that he is speaking of.

SIR ROBERT INGLIS. — I apprehend my Honourable and Gallant Friend cannot now present a petition on a subject which is not before the House.

Mr. WAKLEY. — I think there are serious objections against our going into this committee. It may, if you please, be called a mere matter of form; but the effect is to take money out of the pockets of the people. Here it is proposed to increase the salaries of the police commissioners to 1200*l.* a-year each. Now, I say, in the present state of the country, with an enormous debt pressing upon the people, we have a right to expect that the utmost economy should be observed in the expenditure of every shilling of the public money; instead of which I see nothing but the most reckless extravagance — an extravagance which, however, I admit, is more to be attributed to this House itself than to her Majesty's Ministers, who, really, sometimes show a disposition to be more economical, if this House would but let them be so.

Mr. F. T. BARING. — It is only proposed, now, to go into a committee of the

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whole House, in order to pass resolutions, which are a necessary preliminary to the introduction of the clauses which refer to the salaries.

Mr. GODSON. — The House is, decidedly, taken by surprise in this proceeding. The Right Honourable and Learned Recorder of London understood the Copyright Bill was to come on first, as the Gentlemen concerned in that measure were promised it should do. Now, you ask us for a grant of money, which appears to me to fix the House to a principle.

Mr. GOULBURN. — As I understand the question, it is proposed to go into committee upon the Metropolis Police Bill, in order to give a power of considering the increase of these salaries. To that course, I think, there can be no objection. With respect to the Metropolis Police Courts Bill, there may be some objection; but, as I understand, we are not to go into that, at present?

Mr. F. MAULE. — I merely require an increase of the grant, for the purpose of enabling the House to decide upon the propriety of increasing the salaries of commissioners and magistrates.

Mr. HUME. — When we go into committee, I shall, certainly, oppose the increase of the salaries of the magistrates to the extent contemplated.

The Order of the Day was then read; and the House resolved itself into a committee (Advances out of the Consolidated Fund).

Mr. FOX MAULE moved the following resolution: — "That an annual salary, not exceeding 1200*l.*, shall be paid out of the said Consolidated Fund, to each of the Commissioners of Police appointed to execute the Act for improving the Police of the Metropolis."

On the question being put, —

Mr. WAKLEY said: — Am I to understand that the House will be pledged by this vote? I, certainly, would rather the question were discussed in a fuller House, for many Honourable Members are absent, not expecting this vote to come on now.

Mr. FOX MAULE. — All that is asked by this clause, as far as it goes, is, to give each of the commissioners a salary of 1200*l.* a-year. When this proposition is introduced in the shape of a clause, Honourable Gentlemen will be at liberty to alter and amend that clause; but it is the intention of the Government to adhere to the amount specified, and I trust the House will affirm it.

Mr. MACKINNON. — I trust the Government will adhere to that amount. I shall support the salary of 1200*l.* a-year.

Mr. HUME. — I apprehend this resolution to be a mere initiatory proceeding, to enable the Government to introduce a clause in the Bill. When that comes to be discussed, the proper time will have arrived for deciding whether the salaries shall be fixed at 1200*l.*, or any other sum.

COLONEL SIBTHORP. — Although I am a rigid economist, I have no objection to give the larger salary to those two very valuable officers, for their most meritorious public services.

Mr. T. DUNCOMBE. — I cannot but think the whole of the Bills which have been introduced for the improvement of the metropolitan police, very clumsy pieces of legislation. Already has the House been favoured with no fewer than three or four editions of these Bills. The first was scarcely intelligible, and the resolution we are now called upon to sanction partakes largely of the same character.

Mr. GODSON. — I rise to order. I put it to the Chairman whether we are now in a position to discuss the Metropolitan Police Bill? — a resolution being proposed, which in no way binds the House, merely as the groundwork of a clause to be afterwards introduced into that Bill.

Mr. LEADER. — I also rise to order. I contend that my Honourable Friend the Member for Finsbury is perfectly in order, for the House is now in a Committee of Supply, in which it is competent for any one to speak upon any subject.

[Cries of "Order, order!"]

AN HONOURABLE MEMBER. — This is not a Committee of Supply.

Mr. LEADER. — I certainly understand that we are on Supply.

Several HONOURABLE MEMBERS. — No, no!

Mr. LEADER. — Why, the Under Se-

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cretary of State for the Home Department calls upon us to give 1200*l.* a-year to each of these commissioners. I should like to know what that means?—whether that is not a money vote? and whether this is not the proper time for discussing the amount of those salaries, and any other matter connected with the Bill?

Several HONOURABLE MEMBERS.—No, no! Order, order!

Mr. LEADER.—I shall certainly support my Honourable Friend the Member for Finsbury.

The CHANCELLOR of the EXCHEQUER.—I beg to put the Honourable Member for Westminster right. We are not in a Committee of Supply, but in a committee of the whole House. Before we can discuss a money clause in any Bill, it is necessary to have a resolution,—not in a Committee of Supply, where any topic may be broached, but of the whole House,—as the foundation of a clause which may raise hereafter any points for discussion, when once that clause has been incorporated with the Bill. I hope Honourable Gentlemen are not endeavouring, by the course they are taking, to fight off the Copyright Bill.

Mr. WAKLEY.—I maintain that my Honourable Colleague is quite in order in now discussing the principle of this resolution. If the House be not in a Committee of Supply, this resolution is for a grant of money,——

[Cries of "No, no!"]

—and I will take the liberty of moving, by way of amendment, that 800*l.* be substituted instead of 1200*l.*; and I shall divide the House upon that. Everybody is commending the manner in which the commissioners perform their duties. Now, 800*l.* a-year, each, has enabled the country to procure the able, zealous, and most effective services of those two officers; and I do not see why this House should squander the people's money by unnecessarily increasing the salaries of those, or any other functionaries, when so much distress and misery are abroad, unrelieved.

Mr. T. DUNCOMBE.—I am now fully satisfied I was in order, for, upon looking at the Orders, I find that the head under which the present resolution is noticed, introduces the Metropolitan Police Bill; and that is quite sufficient to warrant me in referring to it in the few observations I intended to offer. I have always objected to voting away more of the people's money than was absolutely necessary, and I shall therefore support the amendment. I do this on principle. My object is not, as has been stated by the Right Honourable Gentleman below me, to defeat the Copyright Bill. If I mean to defeat or support any measure, I always do so in a direct and open manner. I beg to inform the Right Honourable Gentleman, that, whenever I intend to support a particular motion, I never manage to arrive, "just five minutes too late, by the Hastings coach."

["Hear, hear!" and laughter.]

Mr. HUME.—I must bear my testimony to the very efficient manner in which the commissioners perform their duties. No man in London—not even the worthy coroner himself—ever devoted more time, energy, and talent to the public service—I may say, "from daylight to sunset, and during the night—than these gentleman have done."

The amendment was then negatived; resolution put, and agreed to.

Mr. FOX MAULE then moved the following resolution:—That in aid of the charge of maintaining the metropolitan police, there shall be paid out of the Consolidated Fund of the United Kingdom of Great Britain and Ireland, an additional yearly sum, not exceeding the rate of two pence in the pound, upon the additional rental which may be assessed in any place which may hereafter become part of the metropolitan police district.

Agreed to.

Mr. FOX MAULE then moved the following resolution:—That an annual sum, not exceeding 20,000*l.*, be paid out of the said Consolidated Fund, towards defraying the charge of the metropolitan police force, on account of the horse patrol and the Thames police; and also such further sum as may be necessary for the payment of superannuation allowances to certain officers of the police.

On the question being put,—

Mr. HUME said:—I very much doubt the policy of the resolution, and I think it ought to be the subject of an annual vote. I have often regretted we have not had an opportunity of reviewing, every year, the conduct of this force. The fact of these sums being voted out of the Consolidated Fund, leads insensibly to takin-

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the control out of the hands of Parliament. We have already taken the control out of the hands of the parishes; and we ought to have an annual opportunity of discussing the whole establishment of the police force in the Estimates.

The CHANCELLOR of the EXCHEQUER. — I do not wish to object to the future consideration of the point raised by my Honourable Friend, because I do think, with respect to the police force, it becomes a matter worthy of consideration, whether Parliament should not have reserved to itself the opportunity for an annual consideration of its establishment? But the question will be still open to my Honourable Friend; and I submit to him, whether he had not better reserve this point — which I admit to be an important one — to the committee?

Mr. HUME. — I do not see how a future discussion will obviate the difficulty. I shall propose, as an amendment, to leave out the words "Consolidated Fund." That will leave the question open.

The CHAIRMAN. — I do not perceive how I can put the amendment proposed by the Honourable Member for Kilkenny. The money must be taken from some source; and unless another source than the Consolidated Fund be specifically substituted, the amendment must be, that the resolution be withdrawn altogether.

Mr. HUME. — Then I shall move that the resolution be withdrawn.

CAPTAIN WOOD. — I agree with the Honourable Member for Kilkenny, that it would be more constitutional that this vote should come, annually, under the superintendence of the House.

Mr. HUME.—Well; if it be understood that the question shall be raised before the committee, I have no objection to withdraw my amendment; but I give notice that, on a future occasion, I shall raise the whole question of the police force being paid by annual estimate.

The resolution was then agreed to.

The House resumed Resolutions to be reported on Monday next.

On the question, "That the House do now resolve itself into a Committee of Supply," —

Mr. SERJEANT TALFOURD said: — I must again interfere, and repeat that the understanding was, that nothing should precede the Copyright Bill but the Prisons Bill. I know that, as the time appointed has now expired, I must, according to the terms of the contract, give way; and I cannot expect that her Majesty's Ministers will postpone their important business to mine. But, at the same time, I must and do complain of the conduct of the Government in introducing the last Order of the Day before the Copyright Bill.

The CHANCELLOR of the EXCHEQUER.—If my Honourable and Learned Friend will allow me to say one word, perhaps I may be able to suggest something which may obviate the inconvenience he complains of. He knows, perfectly well, that I do not wish to throw any impediment in his way; but there is one vote for civil contingencies which it is absolutely necessary for the public service that we should take. Now, if the Government waive the order of precedence, and take the Copyright question first, will Honourable Gentlemen agree that the public service shall not be interrupted on account of the lateness of the hour we shall then have arrived at? If so, I have no objection to take the Copyright Bill first.

Mr. HUME. — I certainly must object to money being voted after twelve o'clock. Many Gentlemen will not attend.

The CHANCELLOR of the EXCHEQUER. — Then my Honourable and Learned Friend will clearly see that no alternative is left to me but to proceed with the public service.

The question was then agreed to.

The House resolved itself into a Committee of Supply.

Question put, "That a sum, not exceeding 70,000*l.*, be granted to her Majesty, to complete the sum necessary to defray the charge of civil contingencies, to the 31st day of March, 1840."

Mr. HUME. — There are several items in this vote which appear to me to be inconsistent with a proper system of economy; — for instance, there is 1950*l.* for the state clothing of trumpeters of the Life Guards; then, there is 514*l.* for silver trumpets for the same. This really appears to me a most unnecessary expense. I perceive, also, that there is a heavy charge on account of the Shannon navigation; — is this to be understood as preparatory to the Bill which will be brought forward on that subject? There are several sums for commissions. I should like to know

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whether we are to expect any results from these commissions? Is there to be any legislation?

Mr. F. BARING. — The expense incurred by the Shannon Navigation Commission is under the Bill of 1836, which was passed in consequence of what had taken place in 1835. Another of these commissions is that which was appointed to investigate the matter of the Canadian boundary, — a matter of much consequence, and with respect to which some arrangement was necessary. All the papers relating to this matter will be laid before the House with as little delay as possible; and every item of the expenditure will be fully explained.

Mr. HUME. — Some of these commissions have now been going on, I believe, for thirteen years, without any satisfactory results, in the way of legislation, having been derived from them — at least, that I am aware of. I find an item, too, in this vote, of expenses incurred in investigations preparatory to granting corporations to the towns of Manchester and Birmingham. Surely, those towns which desire to have corporations, should pay these expenses, incurred expressly for their benefit, themselves.

The CHANCELLOR of the EXCHEQUER. — These expenses were incurred in making investigations under a most important and most useful Public Act; and, of course, must be defrayed out of the public money.

Mr. COURTENAY. — The Right Honourable Gentleman's argument would be good, provided the charters were required by the public, and the public received any benefit from them; but, as to Birmingham and Manchester, such is not the case. Counsel's opinions have been taken with respect to those charters, and by them it is declared that they were improperly granted, and are illegal; and so, it appears, they are considered even by those at whose instance they were granted, — for they have not yet dared to levy a rate under them. And why? Because they know that, if they had done so, the question would have been decided by the constitutional tribunals of the country, whether or not the Crown has the power to delegate to a particular party in any borough the power of levying taxes? If, then, those charters which have been granted to Manchester and Birmingham are illegal, as I contend they are, it is most unjust that the public should be called upon to defray the expenses that may have been incurred in granting them. I say that, when a charter is given at the request of certain parties in a town, without reference to the general feeling, it is fraudulent to compel the people of England to pay for that which is a robbery of their rights; and if the Honourable Member for Kilkenny will divide against this item, I shall certainly support him.

The CHANCELLOR of the EXCHEQUER. — Sir, I protest against trying, by this vote, the question of the validity of any act which the Privy Council may perform, or of any charter it may grant. But, Sir, I contend that these expenses are not incurred for charters. If a charter be applied for, is not the Treasury to make inquiry as to the propriety of granting it, or not? And if that point be conceded, is it not proper that the expense attendant upon such inquiry should be paid? I say, then, Sir, if ever there was a case in which a clear ground for a vote was made out, it is this; but I protest against arrogating to ourselves the power to go into the question of the policy of these charters, or of the conduct of the Treasury, on such a vote as this.

Mr. COURTENAY. — I do not go into the policy of the charter; but we object to being called on to pay for what we consider an illegal charter.

Mr. POULETT THOMSON. — It is too much to say that any charter is illegal, until that question shall have been decided by the proper tribunal; and I must say that, in this case, there has been no desire whatever on the part of the opponents of the charters to bring the question of legality to a fair test, while every obstacle has been thrown in the way of working these charters. But the Honourable Gentleman is mistaken in supposing that this item has at all to do with the legality of the charter in question, or its illegality. I would ask the Honourable Gentleman and the committee, what course the Privy Council could take, other than they have done, when applied to, to grant a charter of incorporation to any particular town? They could not take, and act upon, the mere statement of the parties, whether for or against, without inquiry as to the correctness of such statements. The Privy Council employ competent parties to investigate and ascertain whether the facts stated to them are or are not true; and, upon the report of those parties, they decide whether the

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charter shall be granted, or not. The expense, so incurred, could not be asked for either of the advocates or of the opponents; — still it is a necessary expense, and the Government must come to the House for a vote to defray it.

Mr. COURTENAY. — What has fallen from the Right Honourable Gentleman convinces me that he is no lawyer. To tell me that the opposers of the charter have not done anything to bring this question to issue, is absurd. It is not for them to commence proceedings; but for those who are acting under the charter of the corporation, by making and levying a rate, that would be resisted, — and so the question of legality or illegality would be brought before the proper tribunals for their decision. Rob me, and I will resist, — *ego vapulo tantum*. The opinion I have given on this subject, is that of several very eminent legal men. I believe there are no less than seven of the most eminent lawyers at the bar who have said that these charters are illegal.

Mr. HUME. — There are several items in this vote which ought, properly, to be included in the Civil List: — and, considering the very ample Civil List which the House has granted, I trust they will not be again brought forward in the vote for civil contingencies. Here is also an item of 326*l.*, for making observations on the planets. We have already voted large sums for scientific purposes; and I think all these matters ought to have been included in that vote.

COLONEL SIBTHORP. — I have a list, here, of a lot of commissions, which have entailed an expense of two or three millions upon the country; and I know not what they have done for it. It would be invidious to pick out any one commission; but I hope, before long, that a full examination will be instituted into the whole of their proceedings; and, in a future Session, I shall test the sincerity of the Honourable Member for Kilkenny's professions against abuse and extravagance, by calling upon him to support me in a motion for such an investigation; and I believe we shall find that all this money has been thrown away, and that no benefit to the country has resulted. Here we are called upon to pay a very large sum for the expenses attending the mission of the late Lord High Commissioner and Governor-General of Canada: and I believe I speak correctly, when I say that all that was done by that Noble Lord, and those who went out with him, was to make matters much worse than they were before. We are charged also with 2234*l.* 5*s.* 6*d.*, for expenses incurred on board the Hastings, in conveying the Lord High Commissioner and his suite. I should like to have a return of all these expenses, item by item; for never was money so completely thrown away before. I would always provide the state with efficient servants, and pay them properly, and shall be always ready to support grants for that purpose; but here we have a Noble Lord, with an ample fortune, who goes out to Canada, and does nothing, — worse than nothing, I may say, — and, on coming back, the country is saddled with this enormous expense, which we are told is a mere trifle, and it is said that the Noble Lord is, himself, 10,000*l.* out of pocket. I protest against this wholesale waste of the public money.

Mr. GOULBURN. — There is nothing, perhaps, more unsatisfactory than a vote for civil contingencies, on account of the nature and variety of the items it contains. The Honourable Member for Kilkenny has referred to the amount charged for the expense of the commissioners sent down by the Privy Council to make the necessary inquiries preparatory to granting charters of incorporation to certain towns under the Municipal Act. Now, I am inclined to agree with the Honourable Gentleman, that those are expenses which ought to fall on the parties who require their services. This is a principle which, I think, cannot be opposed. In the ordinary course of proceeding, in any matter which is for the benefit of some great town, — as, for instance, if a town is to be supplied with water, with gas, or if any other improvement is to take place, — the parties must come here for a Private Bill; to obtain which they must show to Parliament sufficient reasons for passing such Bill, by witnesses and evidence brought forward at their own expense. Now, what is the difference of the circumstances, when they come to the Government to ask for a charter of incorporation, in order to enable them to conduct their own municipal government, and to obtain the other advantages to which a municipal corporation is entitled, and which, but for the Municipal Act, would have been to be obtained by a Private Act of Parliament? To say, then, that the expenses incurred in making out the claims for such charters of incorporation should be paid by the Government, and charged to this House, is a monstrous proposition, and, if acted upon, would lead to indefinite expense.

LORD VISCOUNT HOWICK. — Be-

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fore this question is decided, I would ask the committee whether they desire that the benefit of municipal institutions should be extended to the large towns of this country, or not? If they do, I trust they will not throw a difficulty in the way, which must act as a prohibition against granting charters of incorporation to many of those towns. The Privy Council have applications for charters from various towns, and in every case there is a large number of petitioners both for and against the charter; and, without inquiry and information, we could not discover which side have the majority: accordingly, we employ certain intelligent officers of engineers to go down and make the inquiry. In one case they found that a very large number of the signatures to the petitions were fictitious: this kind of fraud appeared on both sides. In the case of Sheffield, a clear case for refusal was made out, and the charter was consequently refused. Now, who would you call upon to pay the expense of the inquiry in that case? There is no legal power of levying a rate for the purpose; and, unless the public will pay it by a vote of this House, there is no legal method of recovering those expenses. And, under the Municipal Bill, there is no power given to levy a rate to defray the expense of any preliminary inquiry which the Privy Council may think necessary to be made. The case of a Private Act of Parliament does not appear to me to be analogous to this. In this case, if the House refuse to pay these expenses, a bar will be set up against these inquiries altogether, and no means will exist of confirming municipal institutions in our large towns, except by the expensive process of Private Acts of Parliament.

Mr. HUME. — The Noble Lord says there is no analogy between the two cases, of a town requiring a Private Act for improvement, and a town requiring a charter of incorporation from the Privy Council. I consider the analogy to be complete. Suppose the inhabitants of a town wished to introduce into it a supply of water or gas: the course they would take would be, to subscribe the amount necessary for defraying the expense of a Private Act of Parliament; and in the event of a Private Bill being thrown out, does the Noble Lord mean to say that the House of Commons should be called upon to pay the expense incurred? The argument of the Noble Lord, therefore, is not at all in point.

LORD VISCOUNT SANDON. — I understand that the advocates of the charter of incorporation for Manchester have subscribed no less a sum than 3000*l.* to promote their object; and I can see no reason why they should not be called upon to pay the cost of this preliminary inquiry: and I believe there would be no difficulty, in any case, upon those who defend the charter, to defray these expenses by private contribution.

Mr. AGLIONBY. — This discussion has certainly taken a most singular turn. We have gone on from trumpeters to commissioners, and from commissioners to municipal corporations, until I scarcely know what is the question we are really discussing. If we are to come to a division, let us know what we are to divide upon, and let us confine ourselves to the consideration of that question. Upon the matter of municipal charters, I think my Honourable Friend's argument cannot be maintained. He has instanced the case of a town requiring a water or gas works; but there is no analogy between that case and the case of municipal corporations, even as regards the public good. Is the Municipal Act to be carried out? — and if so, in what manner? Not by Private Bills; for the Parliament, by the Act itself, has vested the power of granting municipal institutions in another tribunal — the Privy Council. It is the Privy Council which is to decide, and they must judge of the expediency upon the information they obtain. The Municipal Act was passed for the public good, and the public ought to defray any reasonable expense for these preliminary inquiries.

LORD VISCOUNT DUNGANNON. — Sir, I always understood that her Majesty's present Ministers came into office with a determination to cut down all unnecessary expenses; and yet it would appear that, during the last four or five years, a greater degree of extravagance has been carried on in these commissions than was ever before known. As to this matter of corporations, I think there is full information on the table of the House, to enable the Government to decide whether corporations are necessary, or not, without sending down commissioners. I believe this item in the vote is necessary only for the maintenance of a system of extravagance and jobbing; and if any Honourable Gentleman will divide against it, I will support him.

Mr. F. BARING. — As to the payment of these expenses of preliminary inquiry, the Noble Lord the Member for Liverpool and the Honourable Member for Kilkenny say that there would be no difficulty in

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obtaining the money by private subscription: but I confess that I, for one, am not much inclined to sanction that course; for we know that in such cases it is usually the longest purse, and not the justice of the cause, that wins. But suppose we were to adopt the course that is recommended, and say to parties who apply to us, under the Municipal Act, for a charter of incorporation, "We will not give you a charter until you bring forward such evidence as we shall require to show the necessity for it;"—would not those parties apply to the Court for a *mandamus* to compel us to carry out the provisions of the Act?

LORD VISCOUNT SANDON.—The parties must prove their case.

Mr. F. BARING.—Prove their case! What power have you to call upon them to bring forward a single witness? And suppose, on inquiry, it should appear that the opponents to the charter have opposed it improperly, and that the whole expense has been incurred by their unnecessary opposition, would it be just, in such a case, to charge the expenses of such inquiry on the applicants? On the other hand, suppose the opposition be fair, and that there is no ground for the application;—are we to compel the parties who oppose the charter, and who are brought before you, of necessity, to defend their rights and privileges,—are we to say to them, "We will not hear you, unless you consent to pay these expenses of inquiry?"

LORD VISCOUNT SANDON.—I think, in all measures of private or local benefit, the expense should be paid by the parties who make the application. In Railway and all Private Bills, you call on the parties to the Bill to pay the expenses of supporting it; and on those who oppose, to pay the expenses of the opposition. I see no reason why the same principle should not hold good here.

LORD VISCOUNT HOWICK.—The Noble Lord does not appear to understand the nature of the expense for which this item is charged. Each party, for and against, does pay the expense of his own evidence; but this is an expenditure incurred in sending down persons to judge between the parties.

SIR T. FREMANTLE.—I object to this item, because I think it is a charge which the public ought not to be called upon to pay. By the Act of Parliament, the Privy Council is appointed as the court to decide whether these charters shall be granted, or not. It is presumed that one party applies for the charter of incorporation, and that another party will oppose it; and that the Privy Council will proceed, like any other court, to hear the evidence on both sides, and to decide accordingly. I say, then, it is quite clear that the intention was, that each party who came before the court should prove their own case, and at their own expense. And if the opposition is strong, the applicants ought to be told,—"The evidence is not sufficient; you must prove your case more completely before we can grant the charter." But the system the Government go upon is this,—that if the parties cannot prove their own case, they will send down commissioners to endeavour to prove it further.

Mr. BROTHERTON.—I think the objection, in this case, does not come with very good grace from Honourable Gentlemen opposite. There appears to me to be some justice in the public being called upon to pay in this instance. It has been found, in one case in particular, that in the petitions presented for and against the charter, thousands of the signatures were forged. Now, how was that to be ascertained? The object of the Privy Council was, of course, to do justice between the parties; and they, accordingly, sent down these commissioners to inquire. It is necessary, to enable the Privy Council to decide, that these inquiries should be made, and they cannot call upon the parties to pay the expense; therefore the Government are compelled to come to this House for them. I am opposed to extravagance as much as any man; but I do not begrudge the expenses of these commissioners, because I consider a great public service is rendered by them.

The ATTORNEY GENERAL.—The Honourable Member for Kilkenny has contended that these are expenses which Manchester, or any other town, requiring a charter of incorporation, ought to pay. I admit that it would be most unreasonable to throw on the public the expense of stamps, and other expenses attending the granting of charters of incorporation; but the charge contained in this vote is not at all of that nature. This charge is really for the expenses of the Privy Council, to enable them to obtain that information, without which they could not arrive at a satisfactory conclusion in any case. The Privy Council is, undoubtedly, a court,—but not merely

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to decide between one party in a town and another party. The great party to be considered is the public — the public, on the one side, and the applicants for the charter on the other; and, to guard against injury to the public, it is necessary that the facts should be known. There cannot be a doubt that the Privy Council require this information, which these commissioners obtain for them. The question, then, is, how is it to be obtained? In my opinion, it is much more economically and much more satisfactorily obtained by sending down responsible persons to inquire upon the spot, than by bringing witnesses up to London. Then, by whom is the expense to be defrayed? You cannot call upon those who apply for the charter to pay it, — there is no law which enables you to do so; — and, on the other hand, it would be a denial of justice if you were to refuse to investigate before you decided.

Mr. GOULBURN. — I agree that it is a matter in which the public are concerned, that justice should be administered between the contending parties by the court to which the decision of their case is referred. The Honourable and Learned Gentleman says that commissioners are sent down, to prevent the necessity of putting the parties to a still greater expense by bringing witnesses up to London; therefore, he argues, that they ought not to be called upon to pay the expense so incurred for their benefit. The Honourable and Learned Gentleman might as well contend, on a cause brought before a court of law being referred to arbitration, that therefore, because expense would be saved, the public, and not the parties interested, ought to bear the cost of the arbitration.

The ATTORNEY GENERAL. — It is of importance to the public that charters for establishing municipal corporations should not be improperly granted; and, on the other hand, that they should not be improperly refused. It is necessary, therefore, that the court which has to decide should ascertain the actual facts of each case by means of officers of their own, in whom they can place confidence.

Mr. W. WILLIAMS. — I entirely agree that the public ought not to be called upon to be at the expense of these preliminary inquiries. When I heard that 3000*l.* had been subscribed by the advocates of the charter in Manchester, I thought, of course, that that was for the purpose of defraying these necessary expenses. Why should the public be called upon to bear the charge incurred for conferring a benefit upon Manchester, Sheffield, or Birmingham, in which they do not participate? I feel so strongly the objection to this item in the vote, that I shall move that it be not allowed.

The SOLICITOR GENERAL. — The Honourable Gentleman's argument is this, — that the public is not benefited by what may be done with regard to Manchester, Sheffield, and Birmingham; and that, therefore, it ought not to be called upon to bear these expenses. Will the Honourable Gentleman allow me to ask him what benefit Manchester, Birmingham, and the other towns derived from the inquiry that took place into the state of the corporation of Coventry, — and yet the inhabitants of those towns were called upon to bear their share of the expense. The Municipal Act was passed for the benefit of the public, generally; and the course the Privy Council has taken is this; — not to decide upon the representation of either the applicants or the opponents of the charter; but to ascertain the real facts, by means of their own servants, in order that the public interest may be effectually protected. It is said that they ought to require the parties to enter into a bond to pay the expense of this preliminary inquiry. Why, who ever heard of such a condition to the granting of a charter? Nothing but a necessary expense has been incurred; and if the House refuse to sanction this vote, it will be tantamount to a declaration that no more charters shall be granted.

Mr. W. WILLIAMS. — The Honourable and Learned Member has referred to the city I have the honour to represent; but he must recollect that Coventry had enjoyed a charter for 400 years before the other towns, that have been mentioned, were established. In the one case, the right has been admitted and possessed for many centuries; while, in the other, the right has never been enjoyed, and is now, for the first time, applied for; — therefore, there is no analogy between the two cases.

Mr. WAKLEY. — We are told that there will be a great number of these applications for charters: if, then, we were to sanction this expenditure, we should be only opening a fruitful source of patronage for the Government. These expenses are for objects purely local;

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and to make the public pay for such objects, is neither fair nor just. The Government have sent down commissioners to the various towns, but we have not been told what those commissioners have done; and I would call upon Honourable Gentlemen to show any other body of men, acting judicially, who are intitled to send out persons at the public expense to make inquiries relative to the cases which come before them for decision. I really do not understand these estimates; for, in one place, I find a sum of 11*l.* 5*s.* 2*d.* for conveying the Prince and Princess Hohenlohe from Woolwich to Ostend. If his Highness had come over to this country in order to work some miraculous cure, he might surely pay the expense of the journey back.

SIR S. CANNING.—I was, before, in possession of the committee, but yielded my right in order to allow Honourable Gentlemen to run down the hare which they had started. I have allowed the discussion relative to the corporation charters to go on for an hour and a half; but the Honourable Gentleman has now started a new hare.

Mr. WAKLEY.—The Right Honourable Gentleman is completely mistaken. It is not a hare I have started; but a prince and a princess. With regard to the expense of obtaining charters, I think the burden ought to be borne by the parties who apply for them; and I hope the Honourable Member for Coventry will divide the House against the vote.

Mr. WARBURTON.—The object of these municipal corporations is, to confer a new character upon the towns and boroughs on which they are conferred, by placing them under popular government and control; and in granting these charters, if the Government were to decide upon the *ex parte* statements of either the one side or the other, instead of instituting inquiry free from party bias, I think they would be open to well-deserved censure. I consider that they do perfectly right to send their own commissioners to inquire and ascertain whether these corporations ought to be granted, or not; and that they also do right in calling upon the House to defray the expense of such inquiry.

Mr. C. BULLER.—The establishment of corporations in large towns is a matter of great importance to the public, as well as to the towns themselves. Now, take the case of the Bristol riots;—what a degree of alarm and apprehension was excited throughout the whole country from the want in Bristol of a good police, and an efficient municipal executive to put that police in force at the proper time. These riots disturbed the peace of the whole community, and cost the country many thousands of pounds, besides the expense it entailed on the people of Bristol. I say, then, that the proper municipal government of these large towns is a matter not merely of local concern, but one which interests the public generally. I wish the Government would take on itself to propose a plan by which, in all cases, the locality should be freed from expenses incurred in improvements that concern the public generally.

Mr. PRINGLE.—For all matters of local concern, the expense should be borne by the locality. At this moment, we have a Police Bill for the city of London before the House; and, although the public at large must be benefited by the establishment of an efficient police in that city, the expense is charged exclusively upon the locality. The cost of turnpike roads, which are also for the advantage of the public, is always borne by the localities in which they are situate. And I contend that, if ever there was a question confined to local, and not to public, interests, it is of whether a town shall be governed by a municipal corporation, or not? And it would, I think, be introducing a bad precedent, if the House were to decide that the expenses of granting such corporations should be defrayed by the public.

Mr. W. MILES.—When the riots took place at Bristol, it had municipal institutions and a municipal police.

Mr. F. BERKELEY.—I believe that nothing was more marked at the time of the Bristol riots than the imbecility of the municipal authorities of that city.

Mr. W. WILLIAMS.—I shall not divide the committee on this occasion; but if this charge should be brought forward in another Session, I shall certainly oppose it.

LORD VISCOUNT HOWICK.—The Honourable Gentleman will allow me to suggest that the better course would be, to give notice of a motion for leave to bring in a Bill to levy these expenses on the towns, themselves, applying for the charters.

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SIR STRATFORD CANNING. — That part of the vote for civil contingencies, to which my attention has been more especially directed, and to which I would draw the attention of the House, is connected with some matters that have fallen under my own observation. The head of "Special Mission," in page 6., is what I would refer to. I am perfectly aware that these estimates have reference rather to the future than to the past; but, as the past is, in some degree, an indication of the expense to be incurred in the future, we should not be discharging our duty if we allowed any portion of these estimates, in regard to which there may be any doubt, to pass without consideration. And I hope this will be my excuse for the few observations with which I shall trouble the committee. The first thing to which I would call attention is the charge for the embassy of Sir Charles Vaughan to Constantinople; and I would beg the committee to recollect the peculiar circumstances connected with that embassy. The amount charged in the present estimates is only a part of the expense which it is said was actually incurred; and when it is considered that the embassy did not succeed, — that, in fact, the ambassador never reached his destination, — I think the amount is such as to call for some explanation. There is another item to which I wish to call attention, and which relates to the excursion of Mr. Macgregor and Doctor Bowring. Under this head, I find a charge of 2,579*l.*; and how, and for what object, so large a sum has been expended, I am unable to ascertain. Having missions to all parts of the civilised world, and efficient officers in every country to which British commerce extends, I should have thought that the Government might have obtained all the information they could require as to those measures which might be necessary for regulating our commerce, without sending out these gentlemen for that purpose. This is not the first time that such matters have appeared in the Estimates; and, when we consider that one of those gentlemen was a Member of this House, and a supporter of the Government, I think we have a right to ask for some explanation. There is another item to which I will very briefly allude, — the expenses of the Earl of Durham in the mission to Canada. This mission was certainly different from any that precede it, here; and I think the amount of the expense, alone, is sufficient to cause our attention to be directed to it. In making this remark, I am anxious to guard myself against any chance of misconstruction, for I am aware of the delicacy of objecting to what may be called personal expenses. In speaking of those of Lord Durham, I feel it necessary to say, that that Noble Earl has not drawn, on himself, any — even the slightest — ground for a charge of misapplication of the public money in the expenditure of his mission. Nevertheless, I do think that the great amount of the expenditure of that mission does require some explanatory statement. The committee would scarcely believe, unless they saw the estimate, that the expenditure of the Noble Earl was on a scale, and at the rate, of about from 50,000*l.* to 55,000*l.* a-year. Is it to be contended that the representative of the Crown, sent out to a republic, — or I should rather say to a colony with republican habits, and more particularly with habits of republican plainness and frugality, — should be required to live in the style of the first Nobleman in his own country, — and this, too, in a colony where there are few persons with large fortunes, and where, consequently, there are no large establishments kept up? I can scarcely imagine how the Noble Lord could manage to expend so much money in so short a time.

An HONOURABLE MEMBER. — How does the Right Honourable Gentleman make out that the expenses of Lord Durham's mission amounted to 50,000*l.* or 55,000*l.*?

SIR S. CANNING. — With some deductions, I find that the personal expenses of the Noble Earl were 32,000*l.* or 33,000*l.* This, it should be observed, was not for a whole year, but for a period of only eight months; and then it should be recollected that the Noble Earl most generously applied 10,000*l.* out of his own private funds for his personal expenses. This sum, it is true, was not paid out of the public money; but it serves to show the great amount of the expenditure on the mission, for the period I have mentioned. The Noble Lord must, in fact, have carried on the mission at a rate of Oriental expenditure; and this appears the greater, when we recollect who and what the Noble Earl was before he was called to the House of Peers, — that he was a Member of the House of Commons, and a distinguished Member of that party which has arrogated to itself, almost exclusively, the merit of economy. When it is recollected that that Noble Lord, as a Member of the Commons, denounced, almost from the very spot on which I now stand, the expenditure incurred by the mission of a Right Honourable Gentleman, now no

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more (the late Mr. Canning), in the embassy to Lisbon, — when these circumstances are borne in mind,—it is impossible not to feel surprise at the great amount of the Noble Earl's expenditure in this Canada mission. When I allude to these circumstances, let it not be supposed, for a moment, that I am influenced by any personal feelings with respect to them. Nothing is further from my thoughts.

The CHANCELLOR of the EXCHEQUER. — Hear, hear!

SIR S. CANNING. — My Right Honourable Friend the Chancellor of the Exchequer seems to cast a doubt upon my statement. Does the Right Honourable Gentleman mean to impute to me any personal feeling towards the Noble Earl on the present occasion? From the silence of the Right Honourable Gentleman, I infer that he does mean to impute to me personal feeling in this matter. If so, all I will say at present is, that the Right Honourable Gentleman does not know me: but, whatever may be the impression of the Right Honourable Gentleman, they shall not deter me from discharging my public duty; and I will again say that there are good grounds for calling the attention of the House and the country to those items, and for requiring some explanation respecting them.

Mr. C. BULLER. — I am unwilling to divert the attention of the committee from the real question before it, by any reference to the rather out-of-the-way and uncalled-for remarks of the Right Honourable Gentleman who has just addressed it. If any Honourable Member, at this, or at the other side of the House, had made any one remark imputing personal feelings or motives to the Right Honourable Gentleman, himself, as arising out of bygone recollections, it would give some ground or colour for the heat which he has shown.

[Cries of "Hear, hear! from the Ministerial benches.]

SIR S. CANNING. — The Honourable and Learned Member ——

[Cries of "Order, order!"]

I throw myself on the House.

[Cries of "Hear, hear!"]

My remarks had reference more to what I saw than to what I heard. The Honourable and Learned Gentleman sat behind the Right Honourable Gentleman (the Chancellor of the Exchequer), and could not know what I complained of.

Mr. C. BULLER. — If any Honourable Member at this side had imputed a personal motive, or sought to cast a suspicion of it, on the Right Honourable Gentleman, that might have justified him in some of his remarks; but it was the Right Honourable Gentleman who chose to be his own commentator on his own remarks. It was he, and he only, who gave us his recollection of what had been said or done by Lord Durham as to the Lisbon mission. For my part, I am sorry to find the Right Honourable Gentleman bringing back those recollections of bygone transactions, which I had hoped would have been allowed to slumber, in quiet, in *Hansard's Parliamentary Debates*. These things are not mentioned, or thought of, as far as relates to the present vote, by any one at this side. Now, as to the expenses of Lord Durham's mission, I am sorry to find the Right Honourable Gentleman has taken that view of them which he has stated. He has spoken of the Noble Earl as the representative of his Sovereign in a republican colony.

SIR S. CANNING. — I said a colony with republican forms.

Mr. C. BULLER. — Well; with republican forms. I hope that this debate will not go out to Canada; for certainly the people of those provinces — at least, those of English origin — will not be flattered by that assertion respecting their "republican forms." To come to the question of expense, — and I quite agree that the country has a right to every explanation on this subject of expenditure, when it is called upon to pay for it; — I suppose the Right Honourable Gentleman would not desire that a nobleman going out as the representative of his Sovereign in a province almost hostile, should go in less state than his character would require; and to that state, alone, did Lord Durham, and his friends on his behalf, aspire. Many Honourable Gentlemen present well know that the expenses of living are much greater in Canada than in this country; and at the time Lord Durham arrived there, Quebec was suddenly filled with military, and of course the prices of everything were much enhanced. Then, there was no House for the Governor's residence. Lord Gosford, who had no family, and whose stay was expected to be very short, occupied merely a small bedroom and sitting-room, — the same rooms that he had

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occupied when aid-de-camp to Lord Dalhousie. Accordingly, the House of Assembly was fitted up as the Governor's residence, and with as little expense as possible. Then it was necessary to lodge the Governor's suite, and houses had to be taken for that purpose. Next, — it was requisite that the Governor General should go to Montreal, and remain there during the greater part of the winter: of course, it was necessary to lodge his suite. This could only be done by taking houses; and in Montreal the custom is, to let houses for a certain period of two years. And to show that the expenses so incurred were no more than the necessity of the case required, I need only say that the houses so taken for the use of Lord Durham and his suite are at this time occupied by Sir J. Colburne; and although these expenses are charged as attendant upon Lord Durham's mission, they are in reality for keeping up the state of Sir J. Colburne. Then it is to be remembered that the mission of Lord Durham was of a nature that would call for greater expenses than ordinary missions; — the staff was far greater; — and on going out to supersede the powers of the Government of the province, it was necessary to take out many officers who are not required in missions or embassies of the usual character. On the advantages of Lord Durham's mission, I will not now stop to dilate; but I think no one will contend that the orders which were issued by Lord Durham, in his capacity of Governor General, were not calculated to do good. I will mention one, — that for instituting the inquiry into the state of the waste lands and the Crown lands of the province, — and which I confidently hope will lead to an improved management of those lands, — lands that, I trust, will soon become a source of great wealth to the colony, instead of being a subject, as they have been heretofore, of constant bickering and expense: this, alone, will far overpay the whole expense of the mission. Reverting again to the expenditure, — there are many matters which seem altogether to have been overlooked by the Right Honourable Gentleman opposite. One of these — and it is no inconsiderable item — is, the expenses of the delegates from all our North American colonies, with the exception of Newfoundland, who came to confer with the chief commissioner. There were also many official persons in Canada at the time, to whom, as well as to the officers of the various ships of war in the harbour, it was necessary to extend that hospitality which was to be expected from the high station and character of the Noble Earl. Then there is the great expense of travelling. The Noble Earl was obliged to travel 1500 or 1600 miles, partly on land and partly by steam-boats; and these last occasioned a very heavy expenditure, as the Noble Earl had to engage them exclusively for the use of himself and suite. I think when all these various items are considered, it will not be said that the expenditure incurred by this mission was unreasonably large. The Right Honourable Gentleman has done full justice to the liberality of Lord Durham, which induced him to defray out of his own private fortune those expenses which, in such cases, it is always usual to call upon the country to pay. I have, therefore, no occasion to offer a word on that point. I have only further to add, that, if the public service in which Lord Durham was employed has been expensive, the fault is not Lord Durham's, but has been consequent upon the nature of the service in which he was so engaged; and I must say — and the House is aware that I have no lavish notions of expense — that the expenditure was not more than, under the circumstances, was absolutely necessary.

Mr. GOULBURN. — I am glad this discussion has been raised, because of the explanation that it has drawn forth from the Honourable and Learned Gentleman. I will not for a moment profess to be enabled to form an estimate of the expense which ought to be incurred in a mission such as that of Lord Durham to Canada. It would be difficult for any man to do so. I think, however, it would be better, in future cases, to give the Governor General a specific amount for his expenses, than to allow him an unlimited power of expenditure; for, however well his discretion might be exercised, the other plan would be more satisfactory to the country. The Honourable and Learned Gentleman has fully explained, that the greater part of the 30,000*l.* which Lord Durham's mission has cost, was incurred in travelling and other necessary expenses, and in providing suitable residences for himself and successor and their suites. This ought to have been stated by the Government, and then all misapprehension would have been avoided. I think, too, it is the duty of the Government, in such cases, not to place any Governor in such a situation with regard to expense, as shall give the public an opportunity of drawing invidious though unjust distinctions, in his favour, as compared with his successor.

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Mr. LABOUCHERE. — I am relieved from the necessity of going into the details of the amount of the estimate of Lord Durham's expenses as Governor General of Canada, by the very complete explanation which has been given by the Honourable and Learned Member for Liskeard; but at the same time, as I am connected with that department of the Government whose duty it is to investigate all these charges, and to express their opinions upon them, I should shrink from that duty if I did not come forward and state that these items do not appear to me, or to my Noble Friend the Secretary of State for the Colonies, to be open to any fair objection, or to bear about them any marks of unnecessary and improper extravagance. I agree with the Right Honourable Gentleman who last spoke, that it would not be proper, in all cases, to leave these expenses entirely to the discretion of the Governor; but there are some cases in which it is absolutely necessary, that such a discretion should be allowed—but always upon the understanding, that whatever is done, shall be done under the responsibility of the Government, and is to be submitted to Parliament. I can see no reason why a person going out on a special mission, and without salary, should not have his expenses allowed, unless it should appear that any extravagant and unnecessary expenses have been incurred by him; and in the case of Lord Durham, not only did that Noble Lord receive no salary, but he defrayed the whole of what may be termed his personal expenses, amounting, as we have been told, to 10,000*l.*, out of his own private fortune, — calling upon the state only to pay those sums which were expended, *bonâ fide*, for the public service. There is one item in the amount, which has not been explained, and to which I will now refer; that is, the sum charged for reimbursing the expense incurred by the commander of the ship which conveyed Lord Durham and suite to and from Canada. Now, with this, Lord Durham had nothing whatever to do; all he did was, to send to the Admiralty an account of the number of persons he should require accommodation for, leaving it to the captain of the ship to provide that accommodation as he might think proper; which is the usual course in such cases. I have thought it right to give this explanation, knowing that considerable misstatement has gone abroad upon this subject. There is one other point upon which I would touch before I sit down;—I mean the expense incurred in sending out two gentlemen — Mr. Macgregor and Dr. Bowring—to make certain inquiries relative to our commercial relations in the East. The Right Honourable Baronet, who has adverted to this point, seems to think that our diplomatic agents in the different parts of the world ought to have sufficient commercial knowledge to render it unnecessary that any further expense of this nature should be incurred. I was certainly surprised, considering the opportunities he must have had of judging upon such subjects, to hear the Right Honourable Gentleman say that he considers that that detailed knowledge, which the Government require, is possessed by those parties. It would be most inexpedient, when the vast interests of this country are so materially involved in our commercial transactions, — when we consider how important it is, in negotiating commercial treaties, that accurate information should be obtained, — that the Government should not take care to send persons from this country to the foreign ports, to confer with our diplomatic agents there, and to obtain and communicate that information, which those agents do not and cannot be expected to possess. Mr. Macgregor is not so well known in this House as the other gentleman whose name has been mentioned; therefore, I may be allowed to state, that no public servant ever entitled himself more to the gratitude of this country, or rendered more services to the interest he was sent to protect, than that gentleman; and his exertions contributed not a little to the successful negotiation of the late commercial treaties which have been entered into. I have felt bound, therefore, to embrace this opportunity of rendering my testimony to the high merit and eminent services of this gentleman.

The CHANCELLOR of the EXCHEQUER. — I should be unwilling that this debate should close, without offering a few words to the committee, with the view of explaining away a misapprehension which seems to have arisen in the mind of the Right Honourable Gentleman (Sir S. Canning), in reference to a cheer to which I gave utterance. I must say that the Right Honourable Gentleman has scarcely done me justice; for if I did, by that cheer, express anything like an opinion, it was from motives of which the Right Honourable Gentleman cannot reasonably complain. I deny any intention of expressing the slightest improper feeling towards the Right Honourable Gentleman; but I did think that we ought not to mix up with the discussion of this vote old recollections connected

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with the name of Canning, for the purpose of influencing members of the committee either one way or the other. Suppose I had been in the House at the time Lord Durham made his motion about Mr. Canning's mission to Lisbon, and suppose I had voted with Lord Durham (then Mr. Lambton) upon that question,—what on earth could that have to do with the present discussion? I have to apologise to the Right Honourable Gentleman for any reference to former transactions and feelings that may have been inferred from my cheer; but the Right Honourable Gentleman is, himself, responsible,—for the first allusion to those matters was made by himself. My wish was, to have this question discussed upon its own intrinsic merits. The Government felt, in sending out Lord Durham on this special mission, that it was not to be considered as a mere matter of money; and they considered, that, in intrusting the Noble Lord with that power which it was intended by Parliament that the Governor General of Canada should be invested with, it was not advisable to place any limit upon the exercise of his discretion in this matter. At the same time, it was not our wish to apply any rule to this case of Lord Durham's mission, which did not apply to all similar missions; and I think, if those Honourable Gentlemen who find fault with the expense in this case, will apply the analogy of other similar expeditions which are strictly applicable, they will find that their complaints have very little foundation.

VISCOUNT PALMERSTON. — I feel called upon to say two words with regard to the employment of Mr. Macgregor and Dr. Bowring. The Right Honourable Gentleman (Sir S. Canning) seems to think it somewhat extraordinary that the Government, having agents in all foreign ports to which British commerce extends, should think it necessary to employ other persons to make inquiries with respect to commercial matters, in so far as they concern the wellbeing of this country. I must, however, be allowed to say that the assistance the Government has derived from those gentlemen has been in the highest degree beneficial. Mr. Macgregor was employed to a very great extent in negotiating the commercial treaty with Austria; and his aid in that matter — a most important one for the commerce of this country — was such as could not be expected from any ambassador or diplomatic agent; and I can assure the House, and the Right Honourable Gentleman, that I feel particularly obliged to Mr. Macgregor for the very important services he has rendered. Then, again, as to Dr. Bowring,—he has been employed, in a similar manner in Turkey, Syria, and other places in the East, to make inquiries, and to ascertain how far our commercial relations with those countries might be extended and improved. He has made a very favourable Report, and at the same time a most valuable one, as containing statistical and other facts of considerable interest. We have been accused very often, by Honourable Members opposite, of neglecting the commerce of the country,—of taking no pains to ascertain what means there were available for extending it,—and of caring only to maintain ourselves in official power; but, now, the Right Honourable Gentleman comes forward, and complains of our not being contented with the information to be derived from our diplomatic agents, and that we are entailing expense upon the country by employing persons competent — peculiarly competent — to inquire after, and obtain for us, that information by means of which the commerce of this country may be improved and enlarged. And I may be permitted to add, that more has been done within the last few years, to extend our commercial relations with foreign countries, than at any former period. With regard to the small sum of money these missions have cost, I am prepared to contend that the benefit conferred upon the country far more than justifies such an outlay.

Mr. HUME. — I object to continuing the discussion upon a vote of Supply at this hour of the night. As regards the missions of Dr. Bowring and Mr. Macgregor, I must say that, as far as I can judge, the Reports which those gentlemen have furnished us with, contain more practical information than we have derived from all our ambassadors, put together.

The resolution was then agreed to.

House resumed; Resolution to be reported on Monday next; committee to sit again on Monday next.

WAYS AND MEANS. — COPYRIGHT BILL.

Committees deferred till Monday next.

CUSTODY OF INFANTS BILL.

Third reading deferred till Monday next.

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POOR LAW COMMISSION CONTINUANCE BILL. — COLLECTION OF RATES BILL.

Second readings deferred till Monday next.

BOROUGH WATCH RATES BILL.

Further consideration of Report deferred till Monday next.

JOINT TENANTS VOTING (IRELAND) BILL.

Considered in committee, and reported; further consideration of Report on Monday next; Bill, as amended, to be printed.

BANKRUPTS' ESTATES (SCOTLAND) BILL.

Order for further consideration of Report read; Bill recommitted; instruction to the committee to make provision pursuant to resolution of 12th of April; Bill considered in committee; to be reported on Monday next.

STANNARIES COURTS (CORNWALL) BILL.

(Queen's consent signified). Read a second time, and committed for Thursday next.

REGISTERS OF BIRTHS, &c. BILL.

Further consideration of Report deferred till Thursday next.

METROPOLIS POLICE BILL.

Report deferred till Thursday next.

MUNICIPAL CORPORATIONS (IRELAND) BILL.

Further consideration of Report deferred till Friday next.

RAILWAYS (IRELAND) BILL.

Report thereon deferred till Friday next.

SHANNON NAVIGATION BILL.

Second reading deferred till Monday next.

SUGAR DUTIES BILL.

Committee deferred till Monday next.

LAND TAX DOUBLE ASSESSMENTS BILL.

Second reading deferred till Friday next.

ELECTION PETITIONS TRIAL BILL.

Committee deferred till Friday next.

REGISTRATION (COURT OF APPEAL) BILL.

Read a second time, and committed for Friday next.

TIN DUTIES (CORNWALL).

On the motion of the CHANCELOR of the EXCHEQUER, Acts (6 and 7 Will. IV. c. 106., and 1 and 2 Vic. c. 120.) read; committee to consider of authorising the imposition of a duty on tin and tin ore sold in or drawn from any mine in the county of Cornwall (Queen's recommendation having been signified), on Monday next.

LOAN FUND (IRELAND).

Bill, "for consolidating and amending the Laws relating to the Irish Reproductive Loan Fund," presented, and read a first time; to be read a second time on Wednesday next, and to be printed.

PAYMENT OF RATES.

Bill, "for the more effectual relieving of poor Persons from the Payment of Rates or Cesses," presented, and read a first time; to be read a second time on Wednesday next, and to be printed.

BOROUGH COURTS (No. 2) BILL.

Read a first time; to be read a second time on Monday next, and to be printed.

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SAVINGS BANKS.

On the motion of Mr. HUME, Accounts ordered —

Of the amount of Exchequer bills in the hands of the Commissioners for Savings Banks on the 20th day of November, 1836; the amount of such bills purchased in the year ending the 20th day of November, 1837; the price and the dates at which these bills were purchased, the rate at which they were converted into 3 per cent. or other stock, the amount and the stock purchased, and dates of such conversion:

Of the amount of Exchequer bills in the hands of the Commissioners for Savings Banks on the 20th day of November, 1837, uninvested; the amount of Exchequer bills purchased by them in the year ending the 20th day of November, 1838, the rate at which purchased, and the dates of the purchase; also, an account of the amount of Exchequer bills converted or exchanged into 3 per cent. or other stock, the rate at which the stock was converted, and the dates of such conversion; stating, also, the amount of Exchequer Bills remaining in the hands of the Commissioners of Savings Banks on the 20th day of November, 1838:

Of the amount of Exchequer bills in hand on the 20th day of November, 1838, and the amount purchased by the Commissioners of Savings Banks since that date; stating whether any, and what, amount has been converted into stock since that date, the amount of stock converted, and the date of such conversion, and the rate at which the said bills were exchanged into 3 per cent. or other stock; stating, also, the amount of Exchequer bills in the hands of the commissioners at this date.

METROPOLIS TURNPIKE ROADS.

Thirteenth Report of commissioners (presented 20th of June).—To be printed.

Adjourned, at half after one o'clock, till Monday next.

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HOUSE OF LORDS, Lunæ, 24° die Junii, 1839.

APPEALS.

Shore *v.* Wilson. — Further heard (the judges being present), and adjourned till to-morrow; and the judges to attend.

Bignold *v.* Springfield. — To be further considered to-morrow, at four o'clock; and judges then to attend, to deliver their opinion upon the question of law propounded to them.

Brock *v.* M'Cullum (or Webster). — Considered; and interlocutor affirmed, with costs.

Mac Rae *v.* Mac Rae (or Hyndman), principal action of reduction; Mac Rae *v.* Mac Rae (or Hyndman), supplementary action of reduction. — Consideration of the causes (which stood appointed for this day) put off to Thursday next.

Smyth *v.* Barry *et al.* — Petition of appellant for leave to withdraw the appeal (the agent for John Barry, one of the respondents, consenting thereto) read; and leave given to withdraw the appeal, without costs as to the said respondent, John Barry, and with costs (if any have been incurred) as to the other respondents.

BOULTON'S ESTATE BILL.

Read a second time; and the Standing Orders Nos. 26. and 155. to be considered to-morrow, in order to be dispensed with; and the Lords summoned.

BLUNT'S ESTATE BILL.

Returned from the Commons, agreed to, with amendments; and referred to a committee, to consider the amendments, to meet to-morrow.

HARROW SCHOOL ESTATE BILL.

Returned from the Commons, agreed to, with an amendment; and Commons' amendment considered, and agreed to.

TEMPLER'S ESTATE BILL.

Judges' report received; and Bill read a first time.

COUNT DE ST. GEORGE'S NATURALISATION BILL.

Read a third time, and passed; and sent to the Commons.

House adjourned during pleasure, and resumed by the Earl of Shaftesbury.

House adjourned during pleasure, and resumed by the Lord Chancellor.

THE QUEEN'S ANSWER TO ADDRESS OF THURSDAY LAST.

Reported.

BRADFORD (WILTS) IMPROVEMENT BILL. — SOUTHMOLTON ROADS BILL. — TYNE DOCKS BILL. — CROYDON AND MERSTHAM RAILWAY COMPANY DISSOLUTION BILL.

Read a third time, and passed.

SLAMANNAN RAILWAY BILL.

Read a third time, with the amendments; Bill passed, and sent to the Commons.

WEST DURHAM RAILWAY BILL.

Read a third time, with the amendments; an amendment made; Bill passed, and sent to the Commons.

CAMBER QUAYS (PORTSMOUTH) BILL.

Report from the select committee,

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That the consent of the Ordnance Office not having been signified to the terms of a certain clause intended to meet certain suggestions made by the Ordnance Office, the committee adjourned at half past two o'clock, and pray leave of the House not to meet till to-morrow at half past four o'clock.—Read, and leave given to the committee to meet to-morrow, at half past four o'clock.

DEPTFORD PIER BILL.

Petition of Samuel Collingwood, of Greenwich, surveyor, praying to be heard against.—Read, and ordered to lie on the table; and Bill referred to the Standing Orders Committee on Friday next.

NORWICH IMPROVEMENT BILL.—SIDMOUTH MARKET BILL.—DEPTFORD PIER BILL.

Brought from the Commons, and read a first time.

WATERFORD FEVER HOSPITAL BILL.

Returned from the Commons, with the amendments agreed to.

WINDSOR CASTLE STABLES BILL.

Read a third time (according to order), and passed.

NORWICH TONNAGE BILL.

Reported, with amendments.

POSTAGE.

The DUKE of RUTLAND presented petitions for reduction of the rate of,—of inhabitants of Monquhitter; and Cahir: and of ladies of Daventry.—Read, and ordered to lie on the table.

EDUCATION BILL.

LORD BROUGHAM.—Although I gave notice for the second reading of the Education Bill on Monday next, I will postpone it until the following day.

MULLINGAR.

The MARQUESS of WESTMEATH.—As the matter of which I have given to the Noble Marquess, opposite, notice, merely has reference to the appointment of a magistrate in the county Westmeath, of which I entirely disapproved, I should have contented myself with the expression of that disapproval, if some extraordinary circumstances had not arisen in the course of the proceedings, which have compelled me to pursue the matter up to the present moment. I do not know how, very well, I can now let it rest, as these deeds, of which I complain, are done in a county now deeply demoralised by agitators and agitation, and in which six murders were committed within the last fortnight of the last year and the first month of the present year. The Noble Marquess, a short time since, stated that he considered this a stale matter; but he must remember that it is not above a month since the correspondence upon this subject was laid upon the table; and ever since then I have been every day employed upon the Irish Committee. The questions which I have to put to the Noble Marquess relate, in the first instance, to the appearance of two letters in the correspondence;—the one dated the 21st day of August, 1837, from Mr. Drummond to Mr. Fitzsimon, stating that he then inclosed the Government Reports for his perusal; the other is Mr. Fitzsimon's answer to the aforesaid, dated the 23d of August, and acknowledging the receipt of the Report, and stating that he then returned them. These letters not having appeared at the investigation at Mullingar, and it having been understood from the short-hand writer's report that Mr. Fitzsimon swore that he received these Reports on the first day of grouse shooting, the Noble Marquess will have to account for the appearance of these letters; because, although the first day of grouse shooting—namely, the 20th of August—fell on a Sunday, if Mr. Fitzsimon's evidence be true, he must have received Mr. Drummond's letter one day before it was written; and that I cannot account for. Perhaps, however, it may be intended to assume that the original Reports were returned to the Government, although it appears throughout the whole of Mr. Fitzsimon's letters and evidence, that it must have been the original Reports he still held; because, in Mr. Peter Fitzgerald's evidence, page 22., it is positively sworn that, on or about the 25th of June, 1838, when the investigation took place, these original Reports were in

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the possession of Mr. Fitzgerald, the witness, at the time he was delivering his testimony. Then, again, the Noble Marquess will have to account for the non-appearance of the letter of Mr. Sheil to Mr. Drummond, of the 6th of September, wherein he (Mr. Sheil) stated "that the charges preferred against him by the Government officers were totally unfounded," as well, also, as that letter of Mr. Drummond's to me of the 14th of May; and this latter letter is of peculiar importance, because it must be remembered that by the evidence it appears Mr. Sheil had had an interview with Mr. Drummond in the month of September, wherein he stated that Lord Normanby was perfectly satisfied with the conduct of Mr. Sheil. Notwithstanding this, it appears by the papers that, on the 11th of December, Mr. Drummond wrote to Mr. Rowan for copies of the Reports, which he then stated had been unaccountably lost or mislaid; whereas, on the 23d of the same month, I, having written to Mr. Drummond on the subject, got no answer until, in the succeeding month of June, I brought the matter before your Lordships. Mr. Drummond wrote to me to account for this omission, by stating, as he had previously done in his letter to Mr. Rowan of the 11th of December, that the papers, having been suddenly called for by Lord Morpeth in London, had been sent, along with my note, wrapped up in them, to the Irish Office, in obedience to that requisition; so that, if what Mr. Drummond wrote to Mr. Rowan on the 11th of December was true, my letter, which was not written until the 23d of December, must have gone to London before the 11th of that month, — namely, ten days before it was written! These trifles I hope the Noble Marquess will condescend to account for. The next point to which I have to advert is, the remarkable omissions in the evidence which has been laid on your Lordships' table, and which I will go through *seriatim*. The Government officers having received due thanks for their behaviour during the election, it was not until the conduct of the agitators, who were the partisans of the Government, were involved in these proceedings, that they (the Government) consented to receive fabricated charges against their own officers; and at page 5. of the evidence, after the words "constable of police," in Mr. Decluzeau's evidence, it should have been left to appear "that these counter charges had not been left in his possession long enough for him to copy them, but that he was obliged to return them on the spot by an orderly dragoon." Not a word of this appears in the evidence as furnished by the Government.

The MARQUESS of NORMANBY.— What is the Noble Marquess reading from?

The MARQUESS of WESTMEATH. — From the short-hand writer's notes (which were not corrected at the Castle of Dublin; and it will be found that everything will fit into its place, and that there is no composition!) — The next omission is also in page 5., after the inquiry from Mr. Decluzeau whether he was an Orangeman? and whether he had so expressed himself in the canal boat, on his way to Mullingar? The question was put by Mr. Robert Tighe, the barrister, with whom it appeared he had travelled; and his answer was, "that he did not state in the boat he was an Orangeman, or had been one, or ever said he had been one. He did not speak to an individual in the boat, but to Mr. Tighe himself, and another lawyer; and he thought he was speaking to gentlemen." Mr. Tighe objected to this being put upon the minutes; Mr. Decluzeau was desirous that it should appear; but the chairman overruled that gentleman; — a pretty instance, in my opinion, of the impartiality of the Government commissioner to the Government officer! The next omission is at page 7., where it is stated that "Mr. Decluzeau was thunderstruck at the gross insults he had received during the election, and he knew not for what cause he was spit upon and insulted." Again, at page 12., after the words "Colonel O'Donoughue, he believes, is in England," in Mr. Rowan's evidence, "he (Colonel O'Donoughue) spoke favourably of Mr. Decluzeau in a letter;" that letter was produced, but objected to on the part of Mr. Sheil, and allowed by the commissioner. Now, if the Noble Marquess will look at the top of page 14., he will find that the following passage is suppressed. The words in the Government evidence are, "witness saw a wounded officer." As it ought to stand, it should read thus:— "Captain Fawcett, of the Scots Greys, was struck while commanding a body of troops." At the bottom of the same page are found "words to that effect." An omission, however, follows, of "Mr. Sheil addressed nearly the same words to him;" and added, "that if they had been left to their own police (the Westmeath), there would have been no disturbance, and they wanted no northern or strange police there." The Noble Marquess opposite must recollect that it was by his own orders the Louth

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olice were sent into Westmeath; and his is the way they were permitted to be eated by a person maintained in the ommission of the peace. Again, at page 7., after the words "during the election," he following passage is suppressed: — Did you see him insulted? — No; but I aw spits on his coat." At page 18. there is a very remarkable omission. The matter relates to the constitution of the court. A witness, who had been summoned by Mr. Decluzeau from Kilbeggan, refused to attend, and the commissioner was respectfully called upon to enforce his attendance, but replied, "This is an inferior court; I have no power to compel the attendance of any witness." Here I must observe upon the constitution of those arbitrary courts, wholly unknown in this part of the United Kingdom, but favourites of the Noble Marquess's Government in Ireland, — courts not having the power, even, to summon witnesses, — held by judges under, possibly, secret instructions, — by judges wholly dependent — looking to the Lord Lieutenant for his favour; the opinion of whom, even if honest, the Lord Lieutenant might wholly or only in part promulgate. In this instance, there was strong reason to suspect secret instructions; because, at pages 29. and 35., we find the commissioner employing his time in an inquiry as to whether I was a member of a liberal club, — a subject quite out of the line of the matters of investigation. The next omission is at page 20., as to the attendance of another witness who refused to come. Mr. Decluzeau's counsel requested that it might be inserted on the minutes, in order to meet any inference that might be attempted to be drawn in consequence of Mr. Decluzeau not producing him. and even this the commissioner refused to permit to appear on the minutes. Two more instances of gross partiality appear by omissions made at page 21. A Mr. Francis Smith, a magistrate, was examined, and left the table. Mr. Decluzeau's agent was out of court during his examination: the consequence was, that a material question was omitted to be put to him, respecting the irritating language used towards Mr. Decluzeau, before he exhibited the warmth of manner in repelling the charge to which the witness had deposed. The commissioner refused to put the question, or allow it to be put, as the witness had not requested to make any explanation. The counsel then observed that the object of the Government was to elicit the entire truth. Not one word of this is upon the minutes. Then a Mr. R. Smyth, a deputy lieutenant of the county, was called in to be examined; and on being asked whether he was in court during any part of the examination, he answered, "Only for a very few minutes;" when Mr. Fitzsimon objected, and his evidence was not received. This objection was made, although Mr. Fitzsimon and Mr. Sheil were both allowed to remain in court during the investigation, and to be examined, themselves, afterwards. The next omission is at page 42., in Mr. Sheil's own evidence. He was asked whether Mr. Drummond ever stated to him that the Earl of Mulgrave was satisfied with his conduct in those transactions? In the Government Report of the evidence the answer is, "Witness thinks he did." But the true version is as follows: — On the question being put, Mr. Sheil's agent said, "Don't answer that question. Witness has an objection to answer that question." After a pause, Mr. Sheil said, "I think he did. Will you allow me to think? Am I to say yes, or no?"

I shall now refer to the dealing of the Government with myself in this transaction, which has been most unfair, because I have unflinchingly served my Sovereign in the situation which I fill, as it was my duty to do. In the month of October last, for the first time, I saw that letter, dated the 20th of August, 1838, and addressed by Mr. Drummond to Mr. Sheil, in which was the following passage: —

His Excellency desires me to add, with respect to the charge of your having been found drinking in a public house, that his Excellency regrets that an imputation so utterly unwarranted by the real facts of the case should have been made, and so industriously circulated against you.

Now, in the latter part of this minute, is this passage: —

His Excellency has yet to notice the charge brought against Mr. Sheil, of being found drinking in a public house, at a late hour, by the police. No such charge had been made, it must be observed, in the reports of chief constable Decluzeau and Mr. Rowan, nor had it ever been brought before his Excellency in any authentic shape; on the contrary, every statement that had been made to the Government relative to these transactions, showed that such a charge was without foundation. Nevertheless, as the report had been circulated, and as Lord Westmeath, in the course of his correspondence with the Government, had complained that Mr. Sheil had not been proceeded against under the Spirit Licence Act, his Excellency considers that Mr. Brooke acted agreeably to the spirit of his instructions by inquiring into the truth of a statement seriously affecting the conduct and character of a magistrate; and his Excellency entirely agrees in the opinion given by Mr. Brooke, that "the witnesses on both sides concurred in negativing the charge."

I should like to know where such a

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statement can be found? It must have been pretended to be either in a debate in this House, or in my correspondence with the Government. It cannot be found in any report of any debate; as to whether it can be discovered in the correspondence with the Government, let the correspondence speak for itself. With the permission of your Lordships I will read the following letters: —

(Letter from the Marquess of Westmeath to Viscount Morpeth.)

Clonyn, 17th October, 1838.

My Lord, — My attention has within these few days been directed to a letter going the round of the newspapers, dated the 20th of August, signed T. Drummond, and directed to Mr. Sheil, a magistrate of this county, in which is the following passage: — "His Excellency desires me to add, with respect to the charge of your having been found drinking in a public house, that his Excellency regrets that an imputation so utterly unwarranted by the real facts of the case should have been made, and so industriously circulated against you." It would be difficult to understand, without some explanation, to whom this allusion has reference; but as there were discussions in the House of Lords upon the subject, I cannot for a moment suppose, that it is directed against me, or to anything which might have passed there, or otherwise, — when, even if it had, I would not, out of respect to the dignity of that place, plead to it in any official letter to a Minister. It must, therefore, I presume (supposing the insinuation to have any reference whatever to me), arise out of some part of my correspondence with the Government upon the subject; and I am somewhat disposed to think this may be so, owing to a passage in what is termed the "Minute," which is to be found in the same publication, where, towards the close, is the following passage: — "Nevertheless, as the report has been circulated, and as Lord Westmeath, in the course of his correspondence with the Government, had complained that Mr. Sheil had not been prosecuted under the Spirit Licence Act," &c. &c. When a copy of that Minute was forwarded to me, I merely acknowledged the receipt of it; I did no more, because I thought it so partial to the real offenders, so manifestly unjust to the officers of the Government, and that it had so evidently passed over the principal features of the whole question, that making any appeal against so strong a political bias would have been totally useless; but now, when I see the purpose to which some of the parties implicated are enabled to turn it to assail me, I must beg leave to put the matter upon its proper footing, denying that in any shape it can be fairly inferred from my correspondence with the Government, that I thought Mr. Sheil should have been prosecuted for drinking in a public house; but I thought, and still think, and maintain that opinion, that the whole party should have been prosecuted under the Spirit Licence Act. Whoever reads the sixth section of the 6 and 7 Will. IV. cap. 38., must admit it. The party were found in a common public house, late — after hours. They were not inmates, for there were not beds for a tenth of them; it would be a gross perversion to pretend it. Whether Mr. Sheil came in after the police, or was there before them, is a distinction without a difference. He completely identified himself with the disturbance going on, by not actively interfering to prevent it; and after the temporary lull which was marked by his introduction of Mr. Fitzsimon to Mr. Rowan, the disturbance (to use a moderate term when applied to the company and the transaction) was recommenced by the grossest insults being heaped upon the chief constable of police, who, never let it be forgotten, is authorised by the powers of the Act to have cleared the house himself without the intervention of any magistrate, if none had been present; so that the only justifiable cause, even if it had been sustained, for Mr. Sheil going there, quite falls to the ground; and finally, lest anything should be supposed deficient in the case on which I advance this opinion, glasses were upon the table, and the odour of whisky is proved to have been pervading the room.

It is therefore clear that, as to me, this insinuation ought to be cleared up, by the Government denying its application, or a repository acknowledgment made for it. I regret having been driven to suppose it possible it could have intended it. I have, &c.

(Signed) Westmeath.

Lord Viscount Morpeth, &c. &c. &c.

(Letter from Viscount Morpeth to the Marquess of Westmeath.)

Dublin Castle, 21st October, 1838.

My Lord, — I have the honour to acknowledge the receipt of your letter of the 17th inst., adverting to a portion of a communication addressed, by the order of the Lord Lieutenant, to Mr. Sheil, a magistrate of the county of Westmeath, which had arisen from transactions that had been made the ground of public inquiry.

Having laid your Lordship's letter before his Excellency, I am directed to acquaint you that, when the decision of the Government has been promulgated upon matters of a similar character, it has not been usual to enter into subsequent explanation with those who might consider themselves parties interested; but upon the present occasion his Excellency regrets to observe that your Lordship, in speaking of the decision which had been communicated by the Government, has been pleased, in the official letter addressed to me by your Lordship, to accuse it of political bias, of being partial to the real offenders, and manifestly unjust to others. His Excellency cannot fail to consider these terms as equally unwarranted by the facts of the case, and unbecoming in a person continuing to hold a situation of local authority under the Administration whose proceedings and motives he thus arraigns, and who, when he assumes in his official correspondence so unjustifiable a tone, must be held to have disentitled himself to that consideration which the Government would otherwise have been most ready to extend to the office which he filled.

I have, &c.

(Signed) Morpeth.

The Marquess of Westmeath.

In the letter I have just read, it will be seen that the Noble Author (Lord Morpeth) states that he wrote it by the direction of the Lord Lieutenant. It is purely an official letter, therefore; and, although offensive, cannot be felt to be in the

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slightest degree personal to me. It was, however, no doubt, written with a view to induce me to resign my office, which I have determined not to do; thinking, by remaining, I can best serve my Sovereign, whose commission I bear. I will now just turn, for about five minutes, to the Lord Lieutenant's minute. It is most important, as it shows the species of thimble-riggery to which the late Irish Government had recourse:—

His Excellency has had under his consideration the minutes of evidence recently held at Mullingar, before Mr. Brooke, Q. C., into certain transactions which occurred at that town, during the contested election for the county of Westmeath.

With respect to the dispute which took place at the court-house on the morning of the day above named, between Mr. Fitzgerald and chief constable Decluzeau, it appears to his Excellency that there are grounds for believing the conduct of both parties to have been hasty and intemperate; but as the subject was investigated by the magistrates at the time, and as it seems to have been the prevailing impression that both parties were to blame, and that the matter should be allowed to rest, his Excellency does not deem it expedient to take any further steps in reference to this part of the occurrences which have recently been the subject of investigation; but his Excellency feels called upon to observe, that in the conduct of chief constable Decluzeau, there appears to have been a harshness and want of civility,—an absence of a disposition to oblige, and to render the police arrangements conducive to the convenience and accommodation of the public. The constabulary regulations strongly inculcate upon all members of the force, "how very incumbent it is on them to act in the discharge of their various duties with the utmost forbearance, mildness, urbanity, and perfect civility towards all classes of her Majesty's subjects; and that upon no occasion, or under any provocation, should they so far forget themselves as to permit their feelings to get the better of their discretion, and conduct themselves rudely or harshly in the performance of their respective offices."

Now, it appears in evidence that Mr. Decluzeau had been placed by the sheriff to keep a certain passage clear in the court; that he was obstructed in the performance of his duty by the witness, Peter Fitzgerald, who shook his clenched fist in his face, and called him "an Orange crutch from the North." Mr. Decluzeau was assisted in this duty by a sub-constable of the name of Ghee. Mr. Fitzsimon was pleased to state that the sub-constable Ghee should be taken by the collar and dragged out like a dog. The verdict of his Excellency upon this is,—"that the use of these precise terms is not confirmed by the rest of the evidence;" although it was sworn to, and not contradicted. But his Excellency softens it down into the admission that Mr. Fitzsimon had said "that the constable ought to be taken prisoner by the neck." Thus, then, his Excellency condemns Mr. Decluzeau for having obeyed the orders which the high sheriff had given him, the which if he had hesitated or refused to do, he would have been liable to be dismissed; and the high sheriff was not called by any of the parties who wished to impeach the reports made to the Government, to show as to whether those reports varied, in the slightest degree, from the truth. It appears in evidence that the witness Fitzgerald, for his part, stated in the court that sub-constable Ghee ought to be "dragged out like a dog;" and furthermore, Fitzgerald added,—"Do you see that puppy there? By God! if I had my pistols, I would shoot him!"

The MARQUESS of NORMANBY.—No; I think the Noble Marquess ——

The MARQUESS of WESTMEATH.—Does the Noble Marquess doubt it? Let him look to page 8. The summary was this,—that Mr. Decluzeau was condemned for want of forbearance and urbanity, for executing the orders given to him by the same Lord Lieutenant who had maintained Captain Gleeson in the same situation as Mr. Decluzeau after he had told his superior officer on duty, Captain Vignolles, "That he did not care a damn for him." But, to proceed with the minute I was reading:—

His Excellency regrets that Mr. Fitzsimon, instead of at once complaining to the sheriff, should, under any impression, however strong, of the improper conduct of the constable, have addressed him in such terms when engaged in the discharge of his duty.

With regard to the occurrence at the public house on the evening of the same day, the facts appear to be as follow:—Mr. Rowan directed the police to patrol the town on the night of the 11th of August. He divided the force into three divisions, one of which he took under his own command, intending to visit the public houses which he should find open at a late hour. About twelve o'clock he came to the house of a Mrs. Carberry, a publican, where loud cheering was heard. The door was closed, but admittance was immediately given to the police. A number of persons were found in the shop and lower part of the house; some said they were waiting for the morning canal boat, others that they had come to see their friends. On proceeding upstairs Mr. Rowan found a small room full of company: he desired chief constable Decluzeau to count up the number; and intimated that those who were lodgers might remain, but that the others must retire. At this moment Mr. Fitzsimon and Mr. Sheil arrived, having received information that the police were acting without a magistrate. It appears in evidence that the house in question had been taken for two of the candidates, Mr. Chapman and Sir

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Richard Nagle, and that the greater number of the persons then assembled were respectable freeholders who had dined at the house. Dr. Carr, of Moate, one of the party, states, that he always lodges at Mrs. Carberry's house when he comes to Mullingar.

The first pretence was, that Mr. Sheil had received information that the police were acting without a magistrate. Where is that found? At page 24. of their own evidence, the witness, Carberry, swears that he left Mr. Rowan with the police at his mother's house; and he was the person that all the parties had sworn had gone to inform them of the police being there. It does not appear from Mr. Sheil's evidence, that he ever pretended to Mr. Rowan that he had come there to act as a magistrate. Mr. Fitzsimon, in his cross-examination, admitted that it was not in any part of his statement to the Government, and that he would not undertake to say from whom he had heard it. Not a single witness swore that he had told Mr. Sheil any such thing. How, then, therefore, can the Noble Marquess for one moment set up such a justification for Messrs. Sheil and Fitzsimon on this occasion? Mr. Sheil admitted that he knew Mr. Rowan; that he had sat upon the bench with him; and yet, although he was standing by him on that occasion, did not give him the slightest assistance until Mr. Fitzsimon had twice insulted Mr. Decluzeau, who, Mr. Fitzsimon, himself, admits, legally speaking, as he is pleased to term it, was authorised, and would have been justified in clearing the house of the whole of them, — which Mr. Decluzeau swears he would have done, if Mr. Rowan had not been present. What ensued? Mr. Rowan gave his orders that all but the lodgers should retire. That gentleman then left the House, and then his Excellency was pleased to draw a conclusion condemnatory of him, for ever having gone there, in the following words: — "In this view Mr. Rowan appears to have concurred, for he left the house, and withdrew the constabulary, without taking any further proceedings; and his Excellency is of opinion that, that in so doing, he exercised a proper discretion." Now, your Lordships will look at the matter as it stands in the Lord Lieutenant's minute, where it is stated there were lodgers there, and respectable freeholders there. The witness Carberry, the son of the owner of the house, — and it ought to be remarked that though she was resident in the town, she herself was not produced, — stated that there were only four or five beds in the house: that his mother occupied one; that he had another for himself; that he had two sisters living in his mother's house; and that she kept a servant boy and girl besides, who were both at home during the time of the election. The idea, then, of their being forty or fifty lodgers in that house was utterly ridiculous. Then his Excellency states that the greater number of persons there assembled were respectable freeholders; and a person of the name of Carr, dignified in the present evidence by an M.D. after his name, but who swears himself to be a village apothecary in Moate, states "that a man of the name of Mara, and a man of the name of Falton, were the only freeholders there, except one Magawly, who was a freeholder 'by report.'" His Excellency further states that Dr. Carr always lodges at Mrs. Carberry's when he comes to Mullingar, — which is most important for your Lordships to know; and he admits Mr. Fitzsimon to have said, "that if he had known Mr. Rowan was there, he would not have come to the house." If this be so, the obvious question to ask was, — when he had found it out, why did he not go away? And his Excellency goes on to recite, "that Mr. Sheil observed to Mr. Rowan and others, that he was sorry the Louth police had been introduced into the county; and that if the peace of the town had been committed to the care of the Westmeath police, those scenes would not have occurred. That such an expression, used in such a place and under such circumstances, was indiscreet; that such representation should have been made in private, and not in a public house, and on such an occasion, nor in the presence of the men and the principal officers of that body." So, then, his Excellency actually did know what sort of a place it was, and that it was a public house, and he censures Mr. Sheil for having insulted the police! What, then, becomes of the truth of Mr. Sheil's own answer to Mr. Drummond, in the letter which has been suppressed? Mr. Sheil, in his own evidence, acknowledges, in page 41., that the charges preferred against him, which accuse him of this very offence, "are totally unfounded." Notwithstanding his Excellency having pointedly censured him, and thus shown that he had not told the truth, this person remains in the commission of the peace. The principal outburst of insolence in the public house had been levelled at Mr. Decluzeau; and it was attempted to screen that by an apology offered to Mr. Rowan, which Mr. Rowan stated he had refused to accept at the expense of Mr. Decluzeau, who had been the object of so much malevolence.

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Mr. Sheil was in court, and heard all Mr. Rowan's evidence, and might have contradicted him. Mr. Rowan's evidence completely sustained his report; and yet Mr. Sheil ventured to state, in his letter to Mr. Drummond, that "the charges against him were totally unfounded." His Excellency proceeds, then, to censure Mr. Decluzeau for having snapped his fingers in Fitzgerald's face. But his Excellency quite keeps out of sight that Fitzgerald had said in court, — swearing by his Maker, — if he had his pistols, he would shoot Decluzeau. This provocation was wholly put out of sight.

It is necessary for me to inform your Lordships that I was grossly libelled in the *Pilot* Dublin newspaper, after having brought the matter under your consideration. I did not bring it under your Lordships' notice as a question of privilege, but I went to the Court of Queen's Bench, where I was sifted on my oath as to what I had said in this House, and whether I had stated anything that was untrue. The court unanimously made the rule absolute for the libel. Mr. Sheil stepped in to aid Mr. Barrett, the editor, and filed an affidavit for this purpose. In that affidavit Mr. Sheil undertook to relate the circumstances which passed at the public house. A copy of that affidavit, regularly attested by the clerk of the Crown, was sent down, in order that Mr. Sheil might be examined as to the substance of it, and that it might be shown that the account in that affidavit varied very materially from the version of it given by him on the investigation. Mr. Sheil tendered himself to be examined and sifted to the bottom; and yet, on this point, he sheltered himself under the strict rules of a *Nisi Prius* Court, and refused to be examined out of the affidavit, because the clerk of the Crown was not brought down to prove it. I now come to state that the libel before mentioned was circulated, by the common ballad singers, throughout the country; and in the body of it is to be found a letter from Mr. Sheil to the newspaper, connecting itself with the libel; yet this person is still in the commission of the peace for the county. I did not wish to persecute Mr. Barrett for that flagitious libel; and it was agreed, that on his pleading guilty before the beginning of last term, he should not be brought up for judgment, and an apology was to be made. The whole term, however, was spun out before the parties could be got to make the apology; the consequence of which is, that Mr. Barrett will have to be brought up for judgment in the next term; but had that apology been made, I should have been in a position to have brought the matter more fully before your Lordships. I will now proceed to comment on the thing called an opinion— if it can be called a judicial opinion framed in such a manner and from such a court. The commissioner stated that I did not attend. He might, no doubt, have learned that I never intended to have attended; I did not understand the constitution of the court, and had no duty to perform in it. The commissioner then goes on to state, —

> I found, amongst others, a letter of Lord Westmeath to Lord Morpeth, of the 5th of May, in which, after stating that he is naturally entitled to be considered in the arrangements, he requests "to know on what grounds the investigation is to be made, — whether upon the reports severally made by Mr. Rowan and chief constable Decluzeau to the Government, or upon the communications which I (Lord Westmeath) have thought it my duty to make to the Government, and also in the hearing of the Ministers of the Crown in the House of Lords, or upon both?"

Now, when it is recollected that I made that inquiry, utterly in ignorance of the report of the government officers upon the transaction, it is nothing less than ridiculous to suppose that I should have that letter quoted as a motive for my attendance. It is so palpably absurd, that it is not necessary I should take up your Lordships' time by demonstrating it. The commissioner then concludes his report in the following words: —

> I felt, therefore, that the investigation of those charges came within the letter and spirit of my instruction; and I shall only observe, that the witnesses on both sides concurred in negativing those charges.

The commissioner made this monstrous assumption, although the triumphant refutation of its applicability will be found by your Lordships in my letter of the 17th of October, already read. The *Morning Chronicle*, also, in August last, indulged in a furious tirade against me, for having brought this matter under your Lordships' notice. It was a scurrilous attack, and I do not deem it worth my while to notice it before your Lordships. Upon the whole, I have stated the treatment I have received for serving my Sovereign faithfully and zealously; and I shall continue to do so, disregarding all the malevolence of whomsoever it may displease.

The MARQUESS of NORMANBY.— I assure your Lordships that it is not my intention to detain you at any length; and this is the less necessary, as the Noble

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Marquess has not concluded with any motion.

The MARQUESS of WESTMEATH. — I wish merely to state the question to which I require an answer. Will the Noble Marquess consent to the appointment of a select committee to supply the omissions in the evidence which I have noticed?

The MARQUESS of NORMANBY.— This is so stale a subject, that I shall certainly not enter into it at any length. With respect to the minutes of evidence, they were taken down by Mr. Brooke himself, and he did not pretend to give the questions and answers. As to the two letters, I cannot explain the reason why they were not produced at the inquiry, except that they appeared to be exceedingly irrelevant. There was no intention of suppressing any letter; but as no copy could be found, one was made of the original minute, and, in a note, it was expressly stated that this copy might probably differ slightly from that in the Noble Marquess's possession. It is not possible for me to go into all the points of this worn-out and, as I must call it, trivial case, before your Lordships; but I must observe that, as regards Mr. Sheil entering the public house, he did so under pretence that the police were acting without the authority of a magistrate; and, at page 35., in the evidence of Mr. Fitzsimon, it appears that the parties were proceeding "in consequence of hearing that the police were acting without the authority of a magistrate." At the time, although it appeared that a slight degree of blame — for circumstances arising out of the heat of the moment — might be imputed to Mr. Sheil, yet I determined upon making no further investigation. But the desire manifested, as well on the part of Mr. Sheil as of others, induced me to grant the investigation. I must say, however, that the Noble Marquess makes attacks on those who are absent, which are neither proper to take place in debates in this House, nor consistent with the character of such an assembly.

The MARQUESS of WESTMEATH. —Name, name!

The MARQUESS of NORMANBY.— I will name Mr. Drummond. The Noble Marquess, on a former occasion, described that gentleman as having been guilty of "equivocation," with respect to some papers; and was it right that, without any ground for it, the Noble Marquess should do this? Was it consistent with the character or credit of the House? The Noble Marquess is rather in the habit of indulging in loose statements, and this was an instance of that practice. The papers were missing in the early part of last year; search was made for them, and letters were written to many parties; and when they could not be found, copies of the minutes were furnished. Then, again, with respect to Mr. Sheil,—I do not think that the Noble Marquess has, any more, adopted the usual course of a Peer of Parliament, in speaking of him, than he has done when speaking of Mr. Drummond. The charge, indeed, was not in his speech in Parliament, but in his letters to the Government, in which he called upon them to prosecute Mr. Sheil under the Spirit Licence Act. The clause of the Act alluded to by the Noble Marquess refers only to persons "drinking, tippling, or gaming." The Noble Marquess specifically states that Mr. Sheil was at a tumultuous assembly; and it is not fair to Mr. Sheil to infer that he comes under the operation of that clause in the Spirit Licence Act.

The MARQUESS of WESTMEATH. — I never did mean to insinuate anything of the kind.

The MARQUESS of NORMANBY.— Without trespassing further on your Lordships' indulgence, I will only say that I feel bound not to consent to the appointment of the committee proposed.

The MARQUESS of WESTMEATH. — I shall detain your Lordships but a very short time in reply, because, as this is a subject resting upon evidence now on the table, and as the Noble Marquess has carefully avoided the whole of that, he has left me the less to say. I remember a Noble and Learned Lord, not now in his place, who once remarked that the best way of escaping from a case resting solely upon evidence, if it pinched, was to pass over that part altogether; a suggestion which the Noble Marquess now seems to have recollected and availed himself of.

[Cries of "Hear, hear!"]

The Noble Marquess calls this a stale case; yet he cannot deny that when the first papers were produced, I brought it forward immediately. The Noble Marquess objected that that was not fair, as the papers were yet damp from the press; that so there is no pleasing him. The Noble Marquess assumes that the Government copy of the evidence must be correct, because Mr. Brooke took it down himself.

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That would not have necessarily followed: but it so happens that Mr. Brooke did not take it, himself; but another person, who, if my proposal were agreed to, would correct it on his oath before a select committee. The Noble Marquess will persist in the truth of the evidence, that Mr. Sheil went to the public house, supposing that there was no magistrate with the police; and he now quotes Mr. Fitzsimon's evidence at page 35.; but the Noble Marquess carefully avoids referring to Mr. Fitzsimon's cross-examination upon that subject, p. 37., which is as follows:—

Witness is asked to point out in any part of his statement to the Government, where he says he went to Carberry's in consequence of having heard there was not a magistrate with the police.

Witness does not find such a cause stated there; but finds that he expressed his belief that the police were accompanied by a magistrate.

Did you hear it, or did you not hear it? — I distinctly heard it; that the police were on that evening acting without a magistrate.

From whom did you hear it? — I will not now undertake to state from whom I heard it.

Again, —

Witness does not recollect that the messenger said anything to witness, or in witness's presence, when he went to Sir Richard Nagle's lodgings.

And your Lordships will recollect that I have already quoted from Carberry's evidence, page 24., who was that identical messenger, "that he had left Major Rowan with the police at his mother's, when he went to Sir Richard Nagle's lodgings," — where Mr. Fitzsimon was, and went from, — he, who will not state who it was that told him there was not a magistrate with the police, nor from whom he heard it. On his own evidence the Noble Marquess is confuted.

The Noble Marquess, still avoiding the real subject now in dispute, refers to a former debate, in which he states that I attacked Mr. Drummond for equivocation. Now, I am free to own, some phrases are best omitted, on all occasions, in your Lordships' debates; and I should be sorry wantonly to wound the feelings of any absent person; but as to Mr. Drummond, the facts remain just the same; and the Noble Marquess cannot get rid of the difficulty by this counter attack. Mr. Drummond could not, by possibility, have sent my letter with the reports before the 11th of December, to the Irish Office in London; for my letter was not written until the 23d of December. The obvious inference is, that the reports did not go to London at all; more especially as we find, by Fitzgerald's evidence, that he had had them in the previous August, had kept them ever since, and had them in the succeeding June, when he was delivering his testimony.

The Noble Marquess has been pleased to accuse me of making loose statements. Let him look to his own statements, and see whether they are loose or not. Let him turn to *Hansard's Debates*, in Sir Richard Nagle's case, in 1835.

[Cries of "Order, order!"]

The Noble Marquess has made a grave accusation against me, and in this case it is hardly fair to confine me within the strict line of rule.

LORD HOLLAND. — I rise to order. If the Noble Marquess be allowed to produce reports of former debates, there will be no end to it.

The MARQUESS of WESTMEATH. — Well, then, I will not go so far back. Let the Noble Marquess remember his having coolly contradicted me when I had stated that he had released two persons from the gaol of Mullingar for most serious offences, without exacting any security from them to keep the peace. I knew the fact when I stated it, yet I had a second reference on that fact; and I then, in this House, repeated the circumstances, when the Noble Marquess was unable to say one word to them. So much for loose assertions. Now, my Lords, one word more, and I have done. The Noble Marquess still holds out upon my having intended to say Mr. Sheil had been drinking, because I contended he should have been prosecuted under the Spirit Licence Act. The correspondence which I have read to your Lordships is a sufficient answer to that assumption. Upon the whole, the Noble Marquess has made no defence whatever for having, as Lord Lieutenant of Ireland, treated me most unfairly, for having, in execution of my duty as lieutenant of the county of Westmeath, served my Sovereign honestly against the Noble Lord's political partisans.

BILLS OF EXCHANGE BILL.

The Order of the Day for the House resolving itself into a committee on this Bill having been read,—

The MARQUESS of LANSDOWNE said: — As your Lordships permitted the second reading of the measure to pass without explanation, you will, probably, expect some statement from me on the present occasion. The object of the Bill now on

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your Lordships' table, is to render perpetual a law that has been temporarily in force during the last two years. The Bill has been under trial; the experiment has proved successful; and I do not hesitate to say that it would be a great boon to the commercial interests of the country, if it were rendered permanent. Some time ago, inquiries were instituted for the purpose of ascertaining the expediency of renewing the charter of the Bank of England. One of the results of that inquiry left no doubt that a measure such as I now desire to see renewed, was a measure not only of justice and expediency, but almost of necessity. The Bank of England was accordingly relieved from the operation of the usury laws; and, in a year or two afterwards, it was thought to be only just and reasonable that the latitude afforded to the Bank of England should be extended to all other commercial bodies, and that they should enjoy similar facilities in the transaction of business. A Bill was introduced in the House of Commons, which came up to the Lords; and the Noble Duke opposite persuaded your Lordships to limit its operation to two years. That Bill became law. Bills of exchange are now discounted at rates exceeding 5 per cent.; and the experiment has proved not only harmless, but eminently beneficial: I therefore contend that it should not be a measure enacted and re-enacted from time to time, but that it should be embodied in the permanent legislation of the country. I say nothing of the bearing of the usury laws upon the landed interest; the object of the present measure is merely to remove a bar which operates to the disadvantage of the mercantile community. When your Lordships go into committee, I shall propose a clause extending the operation of the measure to collateral securities. India bonds, Exchequer bills, and other negotiable securities, are frequently lodged to guarantee the payment of the promissory notes given when loans are obtained. The deposit of these securities has, in the present state of the law, the effect of rendering a discount exceeding 5 per cent. illegal. Feeling that it is the duty of the Legislature to render all securities for money borrowed as perfect as possible, and to afford the borrowers every reasonable facility for making them as complete as circumstances permit, I shall certainly feel bound to submit to the committee the proposition to which I allude,—confidently believing, however, that it will meet with no opposition. I trust that your Lordships will not object to the principle of the measure before you; and, consequently, will allow the commerce of this great country to look, in times of need, for that assistance which it cannot now obtain.

The DUKE of WELLINGTON.—I am not so much opposed to the measure itself, as to its being made perpetual. My objection to its being made so is, that it holds out temptation for the commission of a vast number of frauds; many of which have come to my knowledge in consequence of the intercourse which I have had with a number of persons who are more liable to frauds than others,—I mean officers of the army and their families. Although, therefore, I am anxious that the Bill should pass, in order to relieve the public from any oppression lying upon the commerce of the country at this particular moment, yet I feel that the general profits of trade in this country cannot be expected to yield an interest of more than 5 or 5½ per cent.; and that your Lordships should not hold out to the public the permanent expectation of a higher rate of interest than that,—and enable those whose dealings have been fraudulent in intention to carry that fraudulent intention into execution, with respect to the unfortunate individuals to whom I refer. I think that your Lordships, therefore, may protect those persons from such misfortunes, while providing for that which it is said to be necessary that you should provide for at this present moment, with a view to the interests of commerce, and limit the duration of the Bill to the 1st of January, 1842. When your Lordships go into committee, I shall move an amendment to that effect.

The House then went into committee.

On the 1st clause being read,—

The MARQUESS of LANSDOWNE said:—I beg to move, that after "or any such bond or loan," the following words be added:—"or upon the security of any Exchequer bills, or of any public annuities, or of any India bonds, or South Sea stock."

LORD WYNFORD.—There is one point, here, with regard to which I am anxious to call the attention of your Lordships. By the present measure, after a Bill at twelve months becomes due, exorbitant usury may be charged; and unless some proviso be introduced to prevent this happening, young men in the army, and others, may be induced, when the first note is expired, to give another note, and so to be robbed on that to an exorbitant extent. I shall move a proviso to be added to this first clause,

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to prevent interest being paid on notes overdue at more than 5 per cent. after the first twelve months shall have expired. If this proviso be not added, cases of the most extravagant nature will occur. I know that it is usual for money lenders to lend money at very great amounts of interest; and, as the Bill now stands, they are still left at perfect liberty to do so.

Clause, as amended, was then proposed.

LORD WYNFORD. — I beg to move my amendment as a proviso to the first clause.

LORD ASHBURTON. — This is, undoubtedly, a question of considerable importance. I have been of opinion, for many years, that, if your Lordships were to pass a Bill to do away with all measures relating to the interest of money, money, like everything else, would find its level in the market. I agree with the Noble Duke in the view he has taken of the measure. I should further state, as a circumstance that ought to induce your Lordships to pause on this subject, and to give it some consideration, that, however desirable this measure may be in theory, it is in opposition to the practice of every other state on the face of the earth. There is no other country, either in Europe or in the New World, in which there is not some restriction, by law, on usury, except in the town of Hamburgh. This example of the experience and practice of mankind is an authority against having no restrictions on money lenders. If this Bill should pass, bills could be discounted at any rate of interest, though they might have twelve months to run. I hope that your Lordships will adopt the amendment proposed by the Noble Duke,—not at once to pass this measure, but to give it a little further time of probation,—inasmuch as it will not be a great inconvenience to the public to give that further time; and, upon the whole, it will be the right course to pursue. I have made inquiries among various classes of well-informed people, as to what has been the effect of the alteration in the usury laws. I believe that, as to its working, with respect to this country, the benefits have been very much overrated. I very much doubt that any practical good will arise from it. I am convinced that much increased confusion is created in the circulation of the country through the assistance given by the Bank. I doubt very much whether any increase of capital can be brought into the market by an increase of interest. My opinion is, that unfortunate persons, and persons reduced to great distress, would be induced to give great interest, if it were permitted them to do so. Whatever your Lordships may think of the measure, I do not consider it will contribute any considerable aid towards doing away with the distress which is supposed to exist. I have been informed by solicitors in town, that many usurious transactions have been opened; and, certainly, were it not for the pressure which is supposed to exist at this moment,—(for that would make me hesitate, in disposing of this question, to say anything which might tend to produce increased inconvenience, and perhaps injury), — or if this Bill had come before the House in quiet times, when the question could have been more safely discussed, I should have moved that it be sent to a committee up-stairs, and there I could produce some information which would surprise your Lordships. I am told that very extensive usury is now commonly obtained; and that this greater facility of raising money on usurious terms has vastly increased the number of improvident young men. For these reasons, my desire is that the measure should be temporary, rather than permanent. This would give further time to perfect an inquiry into the operation of the relaxation of the usury laws. Leaving it, then, to others to discuss what are the causes of the present state of things in the money market, and leaving it to the Noble Viscount at the head of the Government to consider whether the Bank of England has acted right in the late transactions; — leaving these subjects, I will only say that I believe that, by the exercise of a little common sense, and a little of that prudence which the people of this country always apply under their difficulties, the present unfavourable state of affairs may be expected speedily to right itself. I certainly shall vote for the motion of the Noble Duke.

The LORD CHANCELLOR. — With regard to the amendment of the Noble and Learned Lord (Lord Wynford), I would observe that the effect of it is perfectly unattainable. The effect of it would be, that a party, not bringing his bill within the circumstances allowed by my Noble and Learned Friend's proposition, would cause to be issued an illegal instrument. A bill being a negotiable security, who can say which of those presented to him is legal? So that the effect of the amendment would be, not only to vitiate those bills to which it applies, but all others. I conceive, therefore, that your Lordships cannot entertain the motion of the Noble

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and Learned Lord. But I beg to call attention to the ground on which it has been urged that the measure would operate prejudicially to parties pressed for money. A party has raised a sum of money, by bill, at 5 per cent. At the expiration of the period to which it is to run, he finds he cannot pay it, — not from any fault of his own, but because, from the change in the value of money, it cannot be had on the same security. The holder of the bill may be willing to trust him, but not at the same interest as that at which the money was originally borrowed. But if he were bound by law to provide payment for the bill, and yet were precluded from raising it by paying a higher rate of interest to the holder, he would naturally go next door, and procure the money at 8, 10, or 12 per cent., for the purpose of meeting the Bill. Extortion will be sometimes practised, under any bill system that can be devised. The only question is, how it can be most effectually restrained. In this country, and in this town, as in all countries and all great towns, if one man have money which he wishes to turn to profit, and another must needs have money, at any rate, to supply his wants, the parties will deal with one another on some terms or other; and a bargain advantageous to the monied man will be struck, because the borrower will have the money if he can get it. Now, by this Bill, a party will be enabled to borrow money at a higher rate than 5 per cent.; but if the law were against such borrowing, what would be the effect? Why, the lender must and would lend at a greater rate, because he has to indemnify himself against the risk of detection in a breach of the law, over and above the ordinary risk of losing his money. The interest he would charge would, therefore, be proportionably higher; or, if not, he would insure the life of the borrower, at his expense. The more pressure, therefore, that there is applied to the business of lending, and the more severely high interest is prohibited, the less is the benefit derived from the loan by the borrower. I cannot conceive a state of things in which making 5½ per cent. discount legal could have a burdensome or oppressive effect on the party borrowing. The easier and lighter the transaction is made, the less the party borrowing would have to pay.

The DUKE of WELLINGTON. — I am most desirous that the House should not extend this power of discounting bills at a higher rate of interest than the usual rate, for more than two years, or thereabout. I wish this, with a view to put upon their guard people who, having money, are liable to extortion. I have met with instances of sufferers in this way, who have been led to believe that the profits of trade reach the same per centage in general. I say two years, because I think that that is the period for which the measure may be wanted by the state of trade in this country.

LORD WYNFORD. — After what has fallen from my Noble and Learned Friend who fills the woolsack, I have no objection to withdraw my proposition.

On the question, on "the proviso limiting the duration of the measure till 1842," being put, —

The MARQUESS of LANSDOWNE said: — I certainly think that the experience of the last two years affords a better reason for making this a permanent law, than for our having recourse to temporary expedients from time to time. Of course I should agree to the Noble Duke's proposition, if I could see the necessity of putting people upon their guard as to their own interests, or of teaching them the value of money. If money lenders be prevented from lending money at the market rate of interest at the time, they will, in consequence, go all the further in extortion; and thus the borrower will be obliged to pay, not only for the risk of loss, but for all the additional charge which the resort to all sorts of subtleties, induced by the state of the law, may prompt the lender to demand. I certainly cannot consent to the amendment.

The House then divided, when there appeared —

Content	69
Not content	52
Majority in favour of the clause	17

The other clauses of the Bill were then agreed to, and the Report of amendments ordered to be received to-morrow.

PRISONS BILL.

Brought from the Commons, read a first time, and to be printed.

SPIRITUAL SERVICES OF PARISHES BILL.

Read a second time (according to order).

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nd committed to a committee of the hole House to-morrow.

PROTECTION AGAINST BANKRUPTCY BILL.

House in committee (according to order); an amendment made; the Report hereof to be received to-morrow.

COMMON PLEAS REGULATION BILL.

House in committee (according to order); amendments made; the Report hereof to be received to-morrow.

HERITABLE PROPERTY (SCOTLAND).

Petition for alteration of the law relative o the conveyance of, — of inhabitants of Aberdeen. — Read, and ordered to lie on he table.

MAYNOOTH COLLEGE.

Petition against any further grant of money for the support of, — of the ministers and elders of the Provincial Synod of Glasgow and Ayr met in synod. — Read, and ordered to lie on the table.

EDUCATION (NATIONAL).

Petitions against any system of education which does not secure religious instruction, — of the reverend the presbytery of Tain: and of inhabitants of Shipley; and Horsham (two petitions). — Read, and ordered to lie on the table.

PRESBYTERIANS.

Petition, praying that provision may be made for the instruction of soldiers of the Presbyterian religion in the tenets of their peculiar faith, — of the minister and Presbyterian congregation of Convoy. — Read, and ordered to lie on the table.

SCOTCH CHURCH.

Petition for the further endowment of, — of inhabitants of the Island of Collonsay. — Read, and ordered to lie on the table.

CORN LAWS.

Petition against alteration of, — of landowners, farmers, merchants, and traders of Tipperary. — Read, and ordered to lie on the table.

ESTABLISHED CHURCH (CANADA).

Petitions for the protection of, — of ministers, churchwardens, and others of Cheltenham; St. Matthew's, Brixton; and Barcombe. — Read, and ordered to lie on the table.

BEER ACT IN PART REPEAL BILL.

Petitions for compensation, in the event of a Bill passing into a law, — of Richard Hazell, of Ramsbury; of James Ayliffe, of Marlborough; and of Richard Spurrit Timms, of Marlborough, licensed sellers of beer and ale by retail. — Read, and ordered to lie on the table.

GOVERNMENT OF IRELAND.

Petition for inquiry into the conduct of, with reference to the appointment of magistrates, — of inhabitants of the city and county of the city of Dublin. — Read, and ordered to lie on the table.

EDUCATION (NATIONAL).

Petitions against the plan recommended by the Privy Council, — of clergy, churchwardens, and others of St. John, Horsleydown: of ministers and others of West Cowes: of the warden and governors of Queen Elizabeth's Free Grammar School for the parishes of St. Olave and St. John, Southwark: of Wesleyans of Epsom: and of inhabitants of Carshalton; Garsington; and Chichester. — Read, and ordered to lie on the table.

CHURCH DISCIPLINE BILL.

Petitions against, — of clergy of the city of Chichester; and Arundel: and of clergy and laity of Brighton. — Read, and referred to the select committee on the Bill.

Adjourned.

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HOUSE OF COMMONS.

PRIVATE BUSINESS.

Grantham Small Debts Bill; Aberford Small Debts Bill; Rotherham Small Debts Bill.—Reported; Reports to lie on the table.

Harrow School Estate Bill; Blunt's Estate Bill. — Read a third time, and passed, with amendments.

Mellin's Divorce Bill. — Message sent to the Lords, to request copy of the evidence in the case of Mellin's Divorce Bill.

Warrington Small Debts Bill.— To be printed, as amended by the committee.

Manchester and Birmingham Extension (Stone and Rugby) Railway Bill.—Time further enlarged for committee to report till Thursday, the 4th of July.

Waterford Fever Hospital Bill. — Lords' amendments agreed to.

Turnpike Trusts Bill, — "To provide for making Unions of Turnpike Trusts in England, and for valuing and consolidating the Bonded Debt of such Trusts. — Presented, and read a first time; to be read a second time on Wednesday, the 3d of July, and to be printed.

Earl of Galloway's Estate Bill.—Read a second time, and committed to Mr. Blair and the South Scotland list.

Allison's Divorce Bill.—Evidence communicated from the Lords (21st of June); referred to the committee on the Bill.

SHIP PROPELLER COMPANY BILL.

Mr. Cayley having moved that the Bill be read a second time,—

Mr. BROTHERTON said: — I rise to oppose this Bill, because I consider it to be a measure that is extremely injurious to a most worthy individual. The short facts of the case are these: — About five years ago, letters patent were obtained by a gentleman named Bennet Woodcroft, for an invention of which the object of the present Bill is to deprive him. I hope, therefore, that the House will not lend its sanction to a company having such an object. The invention, for which Mr. Smith has obtained a patent, is precisely the same as that which was patented by Charles Cameron about ten years ago; it will therefore be impossible to support the validity of Smith's patent. Under such circumstances, looking upon the Bill as a means for upholding an invalid patent, I shall move that it be read a second time this day three months.

Mr. CAYLEY. — I beg to say that I have no connection whatever with the company. The House has probably already heard of the application of the Archimedian screw to steam vessels, a discovery which I understand has been investigated by many naval men, and the Board of Admiralty, who have all expressed themselves favourably of the invention. It does not interfere in any way with Mr. Woodcroft's patent; and even if it did, this House is no tribunal to try the merits of the two inventions. Parties have subscribed a large sum for the purpose of obtaining the present Bill and of establishing a company; and if there be any undue interference with Mr. Woodcroft's patent, he has his remedy in another court.

SIR C. BURRELL. — I readily consent to the second reading of this Bill, because I believe the invention will be a great improvement in the navigation of the river, as by it all swell is done away with, and the consequent danger to small craft, and loss of life, avoided. I do not profess to know much about the invention; but, from what I have heard of it, I have no doubt it will be found to be a decided improvement upon the present system.

Mr. BROTHERTON. — I am prepared to prove, if the House will allow me, that the present plan is inferior to that of Mr. Woodcroft, and that the Lords of the Admiralty have given Mr. Woodcroft a written opinion that they consider his invention an "ingenious improvement" upon the screw propeller.

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Mr. BENETT. — I do not see that this House has anything to do with the merits of rival patents. I understand that there are two existing patents for the application of the Archimedian screw to steam vessels. The present company has purchased the other, and rejected Mr. Woodcroft's patent; and hence the opposition of that Gentleman to the present Bill.

Mr. BROTHERTON. — I am instructed by Mr. Woodcroft to say that his patent has never been offered to the Ship Propeller Company. However, as the sense of the House appears to be against the amendment, I shall withdraw it.

Bill read a second time.

PUBLIC BUSINESS.

PAPERS.

The following Returns, &c. were severally presented, and ordered to lie on the table; namely, —

Ships' Tonnage Admeasurement.— Return of number of ships built and registered in each year subsequent to the Act 3d and 4th Will. IV. c. 55. &c. (ordered 30th of May).

Foreign and Colonial Wheat.— Return of quantities imported and taken for consumption in each month, from January, 1839, to May, 1839, and average price, &c. (ordered 4th of June).

British Museum. — Copy of memorial respecting the publication of a Medallic History of Great Britain (ordered 13th of June).

Slave Trade.— Copy of memorial of J. Woodhead, on behalf of the officers and crew of her Majesty's ship "Buzzard," as captors of the "Circe" (ordered 13th of June).

MISCELLANEOUS PETITIONS.

The following petitions were severally presented, and ordered to lie on the table; namely, —

Education, — By Mr. VERNON SMITH, Sir R. PHILIPPS, and LORD JOHN RUSSELL, in favour of the proposed scheme, — from Braunston; Chiswick; Hammersmith; Kensington; Forest Row; Lynn Legis; Stroud; Truro; Liverpool; Leighton Buzzard; and Llandilo.

By SIR G. CLERK, CAPTAIN ALSAGER, LORD STANLEY, and others, for revoking the order appointing a Committee of Privy Council to superintend the application of the grants for education, — from Stamford (five petitions); Rogate; Stoke next Guildford; Ipswich; Wellington (Salop); Whitminster; Arlingham; Sternfield; Ilminster; Streatham; deanery of Duffryn Clwyd; Bath; Wike; Reading; Lanhenoch; Caerleon; Tillington; Petworth; Maidstone; and Bransgore.

By SIR C. B. VERE, LORD NORREYS, Mr. BURROUGHES, LORD VISCOUNT COLE, LORD VISCOUNT GRIMSTON, Sir C. BURRELL, LORD G. SOMERSET, Mr. MILES, Mr. R. PALMER, SIR C. KNIGHTLEY, and SIR T. FREMANTLE, against the proposed scheme, — from Chelmondiston; Shotley; Great Tey; Freston; Wardington; Filton; Claydon; Bradford (York) (two petitions); Potterne; Hatford; Shotesham and Stoke Holy Cross; Little Baddow; Ulting; Wimbish; Oundle and Warmington; Stamford; Cannington; Thornton; Great and Little Horton; Hurstperpoint; Syresham; North Bierley; Wilsden; Yarmouth (Hants); St. John in Bedwardine; Thorley; Quethiock; Royston; Epworth; Wick St. Lawrence; Bruton; Colne Engaine; Quendon; Newport (Essex); Setchey; Worcester; Rollesby, &c.; Llantheney Skerrid; Heaton; South Perrott; Amport; the Rev. William Herbert Chapman, vicar of Bassingbourne; Gargrave; Duxford; Swanton Abbotts and Banningham; and Llanfyllin.

Religious Ceremonies abroad,—By SIR R. BATESON,— from Dunboe, complaining of the compulsory attendance of British soldiers and seamen thereat.

Lord's Day,— By SIR R. BATESON, for the better observance thereof, — from Birr; and Aston upon Trent.

Army, — By SIR R. BATESON, for enabling Presbyterian soldiers to participate in the services of their church, — from Convoy; Raphoe; and Raphoe presbytery (moderator).

Church of Scotland, — By Mr. BANNERMAN, Mr. HASTIE, and Mr. COLQUHOUN, in support, — from Aberdeen (two petitions); Paisley; Larbert; Kilrenny; and Edinburgh Operative Conservative Association (president).

By Mr. GILLON,— from Millseat, against further endowment.

Maynooth College, — By SIR R. BATE-

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son, and other Honourable Members, against further grant, — from Minchinhampton; Dunboe; Gladsmuir; Cumbernauld; Edinburgh Operative Conservative Association (president); Wigan; Airdrie; and Stewarton.

County Treasurers (Ireland) Act, — By Mr. O'CONNELL, — of grand jurors assembled at Lifford Lent assizes, 1839, for amendment, so as to authorise the grand jury of each county to direct the county treasurers to attend at such towns as they may direct for the payment of county money.

Sale of Beer Bill,—By Mr. THORNELY, — of Edward Fordham Flower, against.

Queen's Printer (Scotland), — By Mr. BANNERMAN, for permitting the free and unrestricted printing of the Bible in Scotland, — from Auchtermuchty (chief magistrate); and Aberdeen (seven petitions).

Postage, — By Mr. R. STEUART, Mr. BANNERMAN, and others, for a low and uniform rate,—from Belfast; Brandeston; Eastington; Trowbridge; Humbie; Hay; Jedburgh; Broadclist; Hinton Charterhouse; and Monquhitter.

Licensed Victuallers (Ireland), — By Mr. O'CONNELL, — of licensed vintners and victuallers of Dublin, for amendment of Act 3 and 4 Will. IV. c. 68. sect. 4. and 8., regulating the time of opening and closing their houses.

Elective Franchise (Dublin), — By Mr. O'CONNELL, — of registered electors of Dublin, for purifying the elective franchise in Dublin, and for enforcing the attendance of the town clerk in order to facilitate the inquiry into the right of applicants for registration. — To be printed.

Elective Franchise (Ireland), — By the O'CONOR DON, for equalisation, — from Fuerty; Athleague; St. John Kilinvoy, Kilmaine, and Rahara; and Roscommon and Kiltevan.

Poor Law Amendment Act, — By Mr. MILNES, LORD G. SOMERSET, and Mr. BETHELL, for alteration, — from Goole union; Bradford, (Somerset); Ashbrittle; Stawley; Kettisford; and Milverton.

Sicilian Sulphur Trade, — By SIR H. PARNELL, — from Dundee, complaining of injury inflicted upon the commerce of this country by the grant of a monopoly of the Sicilian sulphur trade to a company of French adventurers.

Imprisonment for Debt Act, — By SIR E. KNATCHBULL, — of officers of the sheriffs of Middlesex, Surrey, and Kent, for compensation for losses sustained by the operation of the Act.

Prisons (Ireland), — By Mr. BARRON, — from Waterford, for amendment of law relating to prisons and houses of correction.

Post Horses, — Of postmasters and others interested in letting horses for hire, for repeal of duty thereon.

British Museum, — Of the trustees for aid (Queen's recommendation signified).

Church Establishment (Canada), &c., — By LORD ELIOT, — from Wallingford, for extension.

Education (Ireland), — By SIR R. BATESON, — from Dunboe, against the present system.

Schoolmasters (Scotland), — Of schoolmasters of Dumblane presbytery, praying that an appeal from presbyteries may be granted to them, and that they may be provided with adequate salaries and accommodation.

Merchant Seamen's Fund, — Of master mariners, mates, and seamen of the mercantile marine of Great Britain and Ireland, for amendment of Act relating thereto.

Spirit Licences (Scotland) Bill, — By Mr. BANNERMAN, — from Aberdeen, against.

Ludlow Borough Election. — Petition of John Thomas and Richard Marston, electors, complaining of that election. — To be taken into consideration upon Tuesday, the 16th day of July next, at three of the clock in the afternoon; and Mr. Speaker to issue his warrants for persons, papers, and records.

Public Petitions Committee. — Thirty-fourth Report brought up, and read. — To lie on the table, and to printed.

RETURNS.

East India Company. — On the motion of Mr. CRAWFORD, Accounts ordered —

Of all moneys supplied from the revenues of India, since the Return made to the order of the House of the 12th day of December, 1837, towards the payment of expenses in England chargeable on those revenues, particularising, as before, monthly and annually:

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1. The amount of bills drawn by the Court of Directors on the several Governments of India, in separate accounts of each Presidency, for moneys paid into the London Treasury of the East India Company, with the rates of exchange at which such bills were issued:

2. The amount of remittances, in separate accounts, made by the several Governments of India, and by the East India Company's agents in China, to the Court of Directors; specifying the dates of remittances as advised in the registers received from India, and the dates when the same were received into the London Treasury; whether the due payment of those remittances were protected by the hypothecation of goods, or by any other security, with the rates of exchange at which such remittances were made:

3. Amount of bills drawn by the East India Company's agents in China, on the several Governments of India, with the rates of exchange at which such bills were issued at Canton:

Also, an account of remittances received from India or China, since the last Return, in silk, or any other description of goods, specifying the invoice cost in Indian currency, and in British sterling money, with a statement, if sold, of the nett proceeds realised in London:

Also, an account of any remittances received into the London Treasury of the East India Company, in repayment of advances made in India on account of her Majesty's Government; and also made applicable towards the payment of expenses in England, chargeable on the revenues in India.

CANADA.

Mr. PAKINGTON. — I wish to ask the Under Secretary for the Colonies whether the Government have received any further information from Canada, by the late arrivals, respecting the Clergy Reserves Bill, which has been passed by the Legislature of Upper Canada? As difficulties are understood to have arisen with regard to that Bill, I wish to ask the Right Honourable Gentleman what is the nature of those difficulties? whether they are likely to be removed? and when it is the intention of her Majesty's Ministers to lay that Bill before the two Houses of Parliament, as directed by the Act of 1791?

Mr. LABOUCHERE. — No further information has yet been received from Canada on the subject. Her Majesty's Ministers are not yet informed whether or not the Address to the Governor of Upper Canada, required by the Act of 1791 in such cases, has been voted by the Legislature of that province; and of course no further step can be taken, here, until that point be ascertained. But a subsequent question has also arisen, — namely, whether the form of the Bill in question, by which the Imperial Parliament is empowered to deal with the clergy reserves under certain restrictions, is strictly constitutional? When any further information is received from Canada on this subject, I shall be happy to communicate it to the Honourable Gentleman.

SUPPLY — NATIONAL EDUCATION.

The House having resolved itself into a Committee of Supply (Mr. Bernal in the chair), —

LORD JOHN RUSSELL said: — Having already explained my views with respect to the grant which I propose to move for, and which is to be applied to the purposes of education, I do not think it necessary to enter upon the general question. The objections which have been taken, or which may be taken, to the proposition of the Government relative to education, rest on a great principle, which was fully discussed before the Speaker left the chair. It may be contended, that education ought to be left entirely in the hands of the established church, and that the state ought not in any way to contribute, by a grant of the public money, to place education in the hands of any other persons than the members of that church. That, however, is not now the point at issue. The question now is, whether the House will consent to grant the sum of 30,000*l.* for the purposes of education, or altogether refuse that grant? — for that is the proposition which the Right Honourable Baronet the Member for Tamworth has declared it to be his intention to move.

[Cries of "No, no!"]

I certainly understood that to be the Right Honourable Gentleman's proposition; and that the ground of his objection was, that the money, instead of being placed at the disposal of the Board of Treasury, is to be placed in the hands of a board composed of the members of the Privy Council. I must confess that I cannot see any good ground for that objection. I can understand the great argument, that the state ought not to encourage any doctrine not taught by the established church, and that we ought not to encourage, by a parliamentary grant, the propagation of any system of education not founded on the tenets of that church; — I can understand that argument; and if it be one upon which Honourable Gentlemen opposite are agreed, I think it is full time that they should assert the principle, and refuse to consent

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to any grant which is not to be placed at the disposal of the church. But, with respect to the question, whether the sum to be voted by Parliament ought to be placed at the disposal of a board composed of members of the Privy Council, or a board composed of members of the Treasury? it does not appear to me to constitute any ground for refusing that vote, to say, that the fund to be voted ought to be placed at the disposal of the Treasury. Indeed, I think it would have been a better argument, if the reasoning of Honourable Gentlemen opposite had gone the other way. Suppose that there had been a Committee of the Privy Council; that the grant for the purposes of education had been formerly placed at the disposal of that committee; and that a proposition had been made to change the Committee of Privy Council for a committee of members of the Treasury; — then I think Honourable Gentlemen opposite would have had tolerable grounds for objecting to that change. They might, in such a case, have said that the Board of Treasury had other and more important duties to attend to; and that such a board could not be so efficient as a Board of Privy Council, established solely to distribute the grants made by Parliament for the purposes of education. If Honourable Gentlemen opposite had objected to a board composed of members of the Treasury, they might have made a tolerable argument; but when the change is the other way, it does seem to me an extraordinary assumption, on the part of Honourable Gentlemen opposite, to suppose that the Government can give implicit credence to the statement, that the real objection against this vote rests simply on the ground of the transfer of the power of disposing of it from the Treasury to a board of members of the Privy Council.

Such is not, then, the real ground of the objection which has been taken to this vote. The objection really is, that Honourable Gentlemen, opposite, entertain a strong and conscientious opinion that no grant should be made by Parliament for the education of the children of Great Britain, on any principle, or on any system, not approved and sanctioned by the established church. They object to any grant for education that is not given by the church, or in accordance with the doctrines taught by that church. That is the real objection to the vote. On the principle upon which that objection rests, I have already stated my opinion,—and I shall not trouble the House with a repetition of it; but I beg to bring before the House the fact, that the difficulty which has now arisen appeared at an early period after the formation of the two societies,—namely, the British and Foreign School Society, and the National School Society, — which have undertaken to promote the education of the people by voluntary contribution. Joseph Lancaster, with great industry and great success, undertook the formation of schools, in which the chief object was to provide education for the poor at a cheap rate. That gentleman was a member of the Society of Friends, and those who supported his schemes were either members of the same denomination of Christians, or Protestant Dissenters; and they, in consequence, laid it down as a necessary condition that the children of all sects should be admitted into the schools. It was laid down as a rule, that the children of Protestant Dissenters, of Roman Catholics, and of members of the established church, should all alike be admitted, and on the same terms. For the schools so formed George III. sent the sum of 100*l.* to Joseph Lancaster, with the purpose of enabling him to extend the benefit to them. Indeed, at the first establishment of them, several members of the Royal Family contributed to their support, and took a share in their management. Not alone George III., but Queen Charlotte, the Prince of Wales, and their Royal Highnesses the Dukes of Kent, Cambridge, and Sussex, all took an active part in the same work. At that time it was generally agreed that Christians of all classes should be enabled to send their children to those schools. There was no insuperable objection to such an arrangement. After a time, however, those who differed from this opinion separated from the society which had been formed by Joseph Lancaster, and set up the national schools, under the name of "National School Society," in connection with the church; and in the records of the British and Foreign School Society I find a correspondence which subsequently took place with a view of uniting the two institutions. Both had branches at Canterbury, in which children were educated under their respective regulations; and the friends of the British and Foreign School Society agreed, at a general meeting, to present an Address to his Grace the Archbishop of Canterbury, as president of the diocesan school, with a view to effect a junction of the two schools, upon the principle that Roman Catholics, Protestants, and Dissenters should be admitted, without obliging the children to repeat the Church Catechism, or to attend any church but that which their friends were desirous they should attend. His Royal Highness the

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Duke of Kent was requested to become the medium of communication with the most reverend prelate. This was in the year 1813. His Royal Highness accordingly wrote to his Grace, stating that his Grace might rely on his most zealous exertions, in conjunction with those of the society, to promote the cause of education among the poor, which he knew his Grace had so much at heart.

Such were the opinions of the Duke of Kent, who has ever been a warm friend to the British and Foreign School Society. The answer of the Archbishop was to the effect that the diocesan school of Canterbury was united with the National Institution, and subject to the same rules which governed that society. Among them was one which required that all children should be instructed in the liturgy and in the catechism of the established church; and he therefore humbly submitted to his Royal Highness that, under these circumstances, it was impossible for him to admit the adoption of the Lancasterian system. From that time, this effort at reconciliation having failed, each has gone on upon its own principles. What, then, is now proposed? It is proposed that a Committee of the Privy Council shall be formed, with a view of applying to these two societies the greater part of the funds voted by Parliament for the purposes of education; but it is also proposed that the committee shall not refuse to receive applications for aid from poorer districts, where education is much wanted. Neither is it laid down by the proposition which I have submitted, that we shall altogether exclude other schools, because such schools may not belong to either the British and Foreign School Society or National Society. It is upon these grounds, therefore, that I now ask the House to grant this vote. It appears to me, that the principle which the Government has laid down is the one most likely to obtain the support of a great number of the people, and that principle is the one on which the British and Foreign School Society has acted. The object of that society is to teach the Scriptures during the week, and to allow the children of each sect to go to their own peculiar places of worship, to receive instruction in religion from the teachers of their own sect. Such are the principles upon which the Government propose to act, and which I think are more just than the principles of those who hold the opinion that no school should be supported or encouraged by the state, unless in connection with the established church. I do not mean to say that such is the opinion held by the Noble Lord the Member for North Lancashire, or by the Right Honourable Gentleman the Member of Tamworth; but I believe it to be the opinion of a considerable portion of Honourable Gentlemen opposite. The Right Honourable Baronet gave me a lecture the other evening upon the danger of open questions. Now, I do not mean to deny that there may be those dangers which the Right Honourable Baronet, who has had much experience on the subject, pointed out upon that occasion; but still there may be a question whether, if there be any difference of opinion existing amongst a party, it is not as well to avow it at once, and to say, "We do hold different opinions,"—instead of attempting, by means of a vote on some incidental matter, to conceal that difference of opinion? I do not mean to say that the Noble Lord the Member for Dorsetshire, or the Honourable Gentleman the Member for Newark, has asserted opinions which either of them does not conscientiously entertain, or that he will be wanting in sustaining those opinions; but, however that may be, I must say that the opinions they have expressed are entirely at variance with those of the Noble Lord the Member for North Lancashire and of the Right Honourable Gentleman the Member for Tamworth. Therefore, although this may not be an open question on the other side of the House, it may be well to consider whether we ought to put the whole education of the country in the hands of the established church, or adopt the principle which has been acted upon by the British and Foreign School Society,—which has been supported by George III. and his Royal Highness the Duke of Kent,—and which is also the principle for which the Government now contend. I move, Sir, "That it is the opinion of this committee, that a sum, not exceeding 30,000*l.*, be granted to her Majesty, for public education in Great Britain, in the year 1839."

LORD VISCOUNT MAHON.—I feel it my duty to meet the motion of the Noble Lord with a direct negative; and, in doing so, I should not have thought it necessary, but for what fell from the Noble Lord at the commencement of his speech, to explain that my objections, and the objections of other Honourable Members on this side of the House, do not apply, in the slightest degree, to any grant for education conducted upon proper principles, and tending to a right direction. I could scarcely have conceived that the Noble Lord could have so utterly misunderstood, or so unjustly misrepresented,

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the sentiments of my Honourable Friends. Let the Noble Lord put us to the test. Let him move for the same grant as last year, or for even a much larger grant, conducted on the same principles, — and he will then ascertain what the opinion of this side of the House is upon that point. I call upon the Noble Lord to put us to that vote, and not to forget — what he seems to have forgotten — that it was most expressly stated by my Noble Friend (Lord Stanley), that his main objection was, not to the transfer of the grant to the Privy Council, but to the alteration in the principle of its application. If the Noble Lord will propose such a vote, I think I can venture to promise that there is not a Member on this side of the House who will not give it his full and cordial support. But if the Noble Lord will not take that course, — if he tell us that the vote of 30,000*l.*, which he now proposes, is to be conducted and confirmed upon the principle of the minute of the 3d of June, — if I find that that minute of the 3d of June contains within itself the power of reviving the former minute of the 13th of April, — if I also find these two minutes closely connected together, — and if, on the other hand, the forms of the House preclude me from bringing forward a vote on the principle of last year, — then I repeat that I have no alternative, and it becomes my duty to oppose the vote now before the House. Throughout the whole debate of last week, aspersions, similar to that just now uttered by the Noble Lord, have been cast upon the zeal of Honourable Gentlemen on this side of the House in the cause of education. The Honourable Member for Liskeard went so far as to say that the whole of this side of the House was opposed to all education of the people; and the Honourable and Learned Member for the Tower Hamlets, a learned judge, thought fit to pass sentence against us on this point; but he gave judgment in a way, I hope, unlike that in which he is accustomed to give judgment elsewhere, — namely, without hearing the evidence. Have those Honourable Members looked to the lists of endowments and subscriptions for schools emanating from Members on the Opposition side of the House? Recurring to what is done in the cause of practical education by Honourable Gentlemen around me, I must say, without meaning any disparagement of the exertions of Honourable Gentlemen on the other side of the House, that my Honourable Friends need not shrink from the comparison. These are the real practical proofs of zeal. I respect the man who gives 50*l.* to a school, or spends several hours a-day in superintending it, much more than the man who merely gives his support to a minute of the Board of Education, or enrols his name as the member of some society; more especially when I remember that such minute goes not to the maintenance of sound religious education, because I consider it indispensable that intellectual enlightenment should go hand in hand with religious instruction. I remember a remark of Rousseau, who says that there is many a man who will express philanthropic views when a case is related about the Tartars or the Chinese, who yet will button up his pocket if a beggar pass his door. If we do not combine religious instruction with literary education, we shall do worse than if we left the people uneducated. If you give a man no education at all, you leave him an ignorant boor; but if you give him education without religion, in many instances you make him a dexterous knave; and, at all events, you do not fit him for the right discharge of many of the most important personal and relative duties which will devolve upon him. I will read to the House, in connection with this subject, some important statistics collected by M. Guerry, who states that, in the department of Finisterre only 14 in 100, and in Morbihan only 15 in 100, of the male adult population can read and write. In three of the departments forming the ancient province of Berry, the proportion is only 13 in 100. These are precisely among the departments in which crimes against the person are most rare. Crimes against property, too, are much less numerous. In Finisterre, only 1 person out of 29,000, on an average, was convicted of any crime against the person; in La Creuse, only 1 in 37,000. On the other hand, in the department of Du Doubs, on the frontiers of Switzerland, which stands as second on the list of educated departments, and where no less that 73 in 100 can read and write, 1 out of every 11,000, on an average, has been convicted of crime. In the department Du Haute Rhin, in like manner, 71 out of every 100 can read and write, but 1 out of every 7000 is convicted of crime. Is it my intention to deduce from these statements any argument against education in general? Certainly not. But they show that, where utilitarian knowledge is made the first object, religious knowledge is wholly neglected; that where, as in France, the higher ranks are accustomed to entertain sceptical and irreverent feelings with regard to religion, there the seeds of evil are sown amongst the people, and no good harvest can be expected.

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Without religion, education is rather an evil than a benefit; and what security is there that, by the plan of the Noble Lord, religious education would be promoted?

Now, if the House will grant me its indulgence, I will attempt to show that, in these requisites, the Government plan is deficient. While that plan professes to extend popular education, it will discourage the plans already in operation, and check the exertions now making to educate the people by means of private benevolence; and, in the next place, it fails to provide any safeguard for religious education. The Government plan of education is comprehended in the Treasury minute of the 3d of June, which, I find, referred to the former minute of the 13th of April; the latter is not abandoned, for the words are, — "The plan is postponed until a greater concurrence of opinion is found to prevail." Who is to be the judge of that greater concurrence? The very cessation of excitement might be construed into a feeling of greater concurrence by some. Some few articles in a newspaper, — some few petitions like that presented, the other night, from Scarborough, about which so much noise was made, but which afterwards turned out to have been signed by only twenty-five persons, — might sufficiently appease Ministerial scruples. There is no security that the plan will not be resumed, so long as it is not abandoned, but only postponed. I have a right, in considering this subject, to take into account the Treasury minute of the 13th of April, as much as that of the 3d of June, as forming a part of the Government plan. How would the House consider the subject, if any civil right were proposed to be invaded, and the plan were postponed only, and not abandoned? What would the Noble Lord think, if, as in the case of his great ancestor when suffering under the tyranny of Charles II., a Bill were brought in, abolishing the trial by jury, — and on a great disturbance being thereupon excited, it was not withdrawn, but postponed? Would not the prospect of its revival be hailed with greater scorn than its first proposition? Postponement would not, in that case, be esteemed any security; and why should it in this? I find that the system of proportional grants is to be discontinued. Under the existing plan, great advantage is derived by the people, not merely from the sum granted from the public Treasury, but from a much larger sum which it elicits from the hands of private benevolence. The National Society, for instance, has received 12,000*l.* from the Government; and that amount has called forth no less than 222,000*l.* in voluntary contributions. Not only will the proposed plan tend to check that benevolence, but it will open the door to all kinds of irregular applications. With what confidence can the Noble Lord go on with that plan? Is it a light thing for him to attempt to force it on the country, with a majority of five only in this House in its favour, and with an overwhelming majority out of the House against it? Let the Noble Lord have the very best plan that can be devised, — let it be as free from objection as is desirable, — he cannot force it on the country while it is unwilling to receive it, and has no confidence in it. The best laws would be rendered inoperative, if they had nothing but force to recommend them. Look at the case of the reforms of Joseph II. The hostility called forth against them was not so much directed against the reforms, themselves, as against the attempt to force them upon the people, against their opinions and feelings, by the hand of despotic authority. I object to the division of education into general and special, — because it must either lead to a total indifference to all religion, and general infidelity, as it has done on the Continent, or it must lead to interminable controversies amongst the parents of the children. The children must either be allowed to lapse into perfect indifference, or they must be warned, day by day, against conversion from one system to another. I entertain the strongest objection to the introduction of different versions of the Scriptures into the National School. I believe the introduction of the Douay Bible cannot stand alone. If it be granted to the Roman Catholics, on what ground can we exclude the version of the Unitarian? If the permission be granted to one, it should be granted to all. When I consider that this regulation applies, not merely to all the schools, but to the model school also, then I confess my alarm and apprehension are increased, and my belief is, that the plan of the Noble Lord affords no security for religious instruction. The Noble Lord has, this evening, declared, that he believes the object of Honourable Gentlemen on the Opposition side of the House is, to give the church the ascendancy in the matter of national education. That doctrine has not been asserted from this side of the House. The Noble Lord the Member for North Lancashire did not assert it; and my Right Honourable Friend the Member for Tamworth expressly renounced it. It is not fair, then, to impute such a wish to this side of the House, when we do not entertain it. What we object to is, a plan

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for withdrawing from the control of the church those schools which are connected with her. Nothing could be more injurious than to introduce a system for preventing the clergy of the established church from having the superintendence of their own schools. I have rather anxiously watched how the Honourable Gentlemen from Ireland have treated this subject. I understood the Honourable and Learned Member for Dublin to say that he did not think there could be any great objection to the clergy visiting the schools, but that they ought to be placed under a Central Board composed of laymen.

Mr. O'CONNELL. — No, no!

LORD VISCOUNT MAHON. — I so understood the Honourable and Learned Gentleman. I will quote an authority upon this point, which I think will have some weight with Honourable Gentlemen from Ireland. About four years ago, a Select Committee on Education was appointed on the motion of the Honourable Member for Waterford, who did me the honour to nominate me on that committee. Before that committee, there was examined the Rev. Dr. Wiseman, the principal of the English Roman Catholic College at Rome, — undoubtedly an acute and able man, — and to his evidence I beg to call the attention of the House; because it is very remarkable, that, whilst the Roman Catholic Members opposite are calling out and objecting against the clergy of the Church of England having the superintendence over the schools limited to the members of their communion, and prefer the superintendence of a general board of laymen, — by the system practised in the Papal states, there is not a single layman employed either in the Central Board or in the rural schools dependent on that board. Here is the evidence of Dr. Wiseman. He was asked, —

There is a superintending Board of Education in the Roman states, is there not? — There is the congregation, as it is called, appointed to superintend the system of education throughout the states. Are there any laymen upon that? — The congregation is composed entirely of ecclesiastics. Must the schoolmaster necessarily be a clergyman? — I am not aware of any law requiring it; but I do not think I know of any instance to the contrary in rural schools. By whom are the schools for females generally conducted? — In every village there are generally two matrons supplied by a sort of semi-religious order in Rome, called the Maestre Pie, who have a house in Rome, from which they are sent out to the respective villages.

Now, I really think that this fact ought to show Honourable Members opposite that those on our side of the House are not so unreasonable in the principle we advocate. But it has been said that the results of the system pursued in other continental countries are in favour of the proposed Government scheme. I do not think that the assertion of the successful results of the mixed system of education has been made with a full knowledge of the facts. In Prussia, the system of joint education has been tried in several districts, and found to fail; and I believe that, under the system now acted upon throughout that country, there is not a single school which is not in connection with some church or other. It is true that an instance has been given of one school in Switzerland; but that instance is by no means applicable to the proposed system, neither does it bear any analogy to the schools in other parts of Switzerland, with respect to which I wish to direct the attention of the House to another part of the evidence taken before the committee to which I have already alluded, — I mean the evidence of Dr. Bowring. Dr. Bowring was examined as to the state of education in Switzerland; and a newly framed code for the schools in the canton of Thurgovia was produced, to which much importance and value seemed to be attached. The committee examined Dr. Bowring as to how far the Protestants and Romanists were educated in the same schools. The chairman asked him, —

Are the Protestants and Catholics educated entirely together? is the religious instruction given together with intellectual? — It is rather uncommon to find, in Switzerland, a district which is not principally occupied by the partisans of one or the other of the great religious sects. In general, there are Catholic villages and Protestant villages; and from that natural sympathy which exists between individuals of the same religious opinions, there is a tendency among strangers to settle among those whose religious opinions are the same as their own.

I then put the following question to Dr. Bowring: —

As to the Roman Catholics and the Protestants, the practical point would be, how religious instruction is managed in those schools where Catholic and Protestant come together. One of your recent answers rather tended to show that such cases were not common, because whole villages are mostly of the same persuasion; but if there are cases in which they do intermix, how is the point of religious instruction managed?

Now, let the committee observe the answer of Dr. Bowring to that question. He said, —

I confess it is a question I never asked, because I am in the habit of dislocating inquiries of this sort from any investigation into religious opinions. I have looked through the law of public instruction of the canton of Thurgovia,

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which I have now before me; and I do not see, from beginning to end, any reference to the religious opinions either of children or parents.

In that last point, however, Dr. Bowring was wholly mistaken as to the fact; for I afterwards called his attention to the 68th article of that very law. It enacts, that —

Parents who are prevented by the great distance of their residence, or by the inaccessible state of the roads, from sending their children into the school of that religious persuasion to which their place of abode is ascribed, may receive from the Commissioners of Education the permission of sending their children to a school nearer to their residence, if belonging to the other religious persuasion. In granting that permission, the commissioners are to take care the school be not overcrowded.

This article evidently shows in the canton of Thurgovia a general system of prohibition, or, at least, discouragement, of Protestants and Roman Catholics being educated in the same school, — allowing only particular exceptions on account of vicinage. On the whole, I am of opinion, that whether regard is had to the state and condition of things at home, or to the system of education practised abroad, there will be found great reason to distrust the proposal now brought forward by the Noble Lord opposite for the adoption of Parliament. If, then, I am asked in what manner I think the national education ought to be conducted in this country, — if I am asked, not merely to point out the defects in the system now proposed, but also to show how the public education could be conducted on safe and proper principles, — I would answer by pointing to the immense improvements which have taken place in education since the commencement of this century, and especially within the last twenty years, through the exertions of the National and the British and Foreign School Societies. Looking to the results, both in this and other countries, — looking to the great amount of religious differences in this kingdom, — I must say, it appears to me that the system which best promises success, is that which has heretofore been pursued. I wish the National School Society to continue in its career, developing education with the same amount of assistance it formerly received from the Government. I wish the British and Foreign School Society to continue its career, receiving the same assistance as heretofore; and taking the two societies together, I must say that, under the present circumstances of the country, such a course would be best calculated for the development of practical education throughout the empire. Indeed, the only difficulty which encumbers this question is that put forth in the second minute, — namely, with respect to the poor districts, in which there are no contributions raised from private sources, and, consequently, no share allowed of the public grants from the Treasury; and which districts, therefore, remain destitute of education. I admit that such cases occur, and I also admit that they ought to be provided for. But could anything be easier than to provide a remedy for this defect without departing from the existing system? Let grants be made to the National, and British and Foreign Societies, for the purpose of enabling them to assist districts from which there come no local contributions — let the Government give that sort of aid, only guarding against favour being shown to any sectarian body. To an extension of the general grant for such a purpose, I am sure, all on this side of the House would give the fullest and most cordial support. But the case is different when you propose to give additional powers to Government; and when that Government explicitly states it will not be bound by any rule of proportion, or within the limits of these societies. As to the exercise of discretion, I have no confidence that, under the proposed system, the board would dispense the funds with discretion: I contend that the system ought to be guarded by the allotment of fixed and certain proportions, so as to put the present or successive Government beyond the suspicion of undue partiality. But, Sir, the principle which, after great consideration, I have come to the conclusion that it would be best to adopt, is that of the minute of August, 1839; and I must inquire why that principle has been departed from? I admit that those principles may not look as well on paper as the proposition for a Central Board, regulated by a uniform system, and having schools branching from it all over the country; but they will work infinitely better. If I were to point out what appears to me the great fault which arises out of modern legislation, it is, that Parliament is constantly endeavouring to apply uniformity and centralisation to conditions of circumstances essentially different from one another, in attempting to apply the same franchise and regulations to opposite states of society; — for instance, — to direct the same principle to small towns as to large populous cities — to the sheep-walks of Northumberland as to the factories of Lancashire. The real question, now for consideration, is, how to turn the greatest number of persons into a right principle of education, and to inculcate a knowledge of religion and the practice of virtue. The proposed system, however good in theory, affords no security that in

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practice it will produce these results. I fully admit that, in considering any system of education, the church has no right to claim the superintendence over the instruction of the children of Dissenters. On the other hand, I claim, with equal firmness, that the church — which of late years has made such meritorious exertions in the furtherance of education — shall not be slighted or set aside by any new project propounded to Parliament. The opponents of the proposed scheme on the part of the church join most heartily in the demand for intellectual light; they have no fear for the citadel of truth, unless the enemy, like the Gauls of old, can surprise it in the dark —

—— Arcemque tenebant
Defensi tenebris et dono noctis opacæ.

But then we have a right to ask that the state should not hang out false lights, — that it should not, like the coastmen of Cornwall, in former days, place its lights on shoals and quicksands, — lights that, instead of guiding the wanderer to his haven, serve only to bewilder and destroy him. If the principle for which I contend is departed from, I believe that no satisfaction will be afforded to the people. We tell the promoters of the scheme that they have confounded two things that are essentially distinct; we tell them that it is one thing to show all possible forbearance and kindly feeling to those who walk, as I believe, in error; and it is quite another thing to protect and propagate the error itself. It is one thing to tell the Roman Catholics — for they, after all, are at the bottom of the system — that perfect equality of civil rights should be granted to them in spite of their religious differences; and another thing, to tell them that those differences are now mere trifles, and ought not to stand in the way of a united state education. From my very early years I have been a supporter of what has been termed Roman Catholic emancipation. I have made some sacrifices to that opinion. I differed from my family upon it; and, rather than compromise my own views upon that subject, I preferred remaining out of Parliament for several years; nor did I enter it until 1830, the year after that question was carried. I claim no merit for my conduct on that occasion; for I acted only as every other Member, in my place, would have done. But still I am entitled to say that I have shown myself as ready to support the claims of the Roman Catholics, when I thought them just, as I am to stand firm against them, now, when I think them encroaching and iniquitous. And if the views on education, which I have now set forth, seem to Honourable Gentlemen opposite, as they have said, narrow-minded and illiberal, I have the satisfaction of remembering that they did not seem so to Mr. Wilberforce, — they did not seem so to Lord Somers, — they did not seem so to Locke. Nay, more, if I wished to characterise the system now proposed in a few expressive words, I know not where I could find any more apt or appropriate than in the language of a greater man than any even of those I have just mentioned, — the prince of modern philosophers, and the pride of human wisdom, — Lord Bacon; who, in one of his best Essays, says, —

Contrariwise, certain Laodiceans and lukewarm persons think they may accommodate points of religion by middle ways, and taking part of both, and witty reconcilements, as if they would make an arbitrement between God and man . . . There are also two false peaces or unities — the one when the peace is grounded but upon an implicit ignorance, for all colours will agree in the dark; the other, when it is pieced up upon a direct admission of contraries in fundamental points. For truth and falsehood in such things are like the iron and clay in the toes of Nebuchadnezzar's image, they may cleave, but they will not incorporate.

On all these grounds which I have urged on the committee, I trust that it will not consent to the system proposed by the Noble Lord opposite (Lord John Russell). I trust that the committee will weigh well the numerous petitions which have been laid on the table of the House, — petitions not coming from any particular place, not emanating from any single sect, but speaking the universal opinions of the people; I trust that Honourable Members, on coming to a vote, to-night, will not overlook the circumstances that the proposed scheme has, so far, been forced by a small majority against the wishes of the people; I trust that the voice of the people, which has been heard on this subject with no common emphasis, will not pass unheeded, and that their representatives will not tamely consent to that which the constituencies have indignantly resented, but will show that the views of the majority of the House are in conformity with those of the majority of the people.

Mr. BAINES. — Sir, as it has been my lot to sit, for two successive Sessions of Parliament, upon school committees, to inquire into the practicability of establishing a system of national education — and as I have devoted much time to the consideration of the subject of that education — I find it to be impossible for me to give a silent vote on this question; but I shall not trespass at any great length on the attention of the House. The Noble

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Lord, in the observations which he has addressed to the House, has confounded two things essentially different: he supposed that the plan of education which the Government proposed in the minute of Council, of the date of April the 10th, was identical with the plan proposed on the 3d of June. Sir, I take them to be very different; and I am ready to admit that the plan of the 10th of April was open to considerable objection. I felt the force of those objections, and stated them both in public and private. That plan, however, has since been altered, to obviate the objections then urged against it. The Noble Lord seems to think that the present plan is open to the same objections as the former one; but I deny this to be the case. I would ask whether it was not a part of the original plan, that a chaplain of the establishment should be appointed to the normal school? and whether a second minister, of some dissenting denomination, was not also to attend to give instruction? and, in addition to this, I say they might have had the attendance of a clergyman of the Roman Catholic persuasion at the school, who must have been introduced as a part of the system, for the purpose of carrying this plan into effect? In the modified plan there is nothing of this kind introduced. In the first plan, such an arrangement was formerly proposed as to allow two or even three versions of the Scriptures to be used in the schools; but there is nothing of the kind to be allowed under the present plan. It may be said, however, that Ministers have reserved to themselves the power of revising any portion of their former plan: but have not the country and the House also reserved to themselves the power of putting an end to it if such an attempt were made? The Government say that, in deference to public opinion, they would alter the plan: is it not clear that the Government is responsible to public opinion, if they attempt to carry the plan into effect, as originally proposed, by any indirect mode? Honourable Gentlemen opposite assert that Ministers would revive the plan when Parliament might not be sitting: but are there no means by which the people could make their voice heard to prevent them doing so, even if this House should not be sitting? I will venture to say, that any Minister of the Crown who should dare to carry, when Parliament is prorogued, any obnoxious scheme into effect, in opposition to public opinion, would soon be brought to a sense of the danger that he had incurred, and the breach of trust that he had committed. The parts of the former plan which they have retained, I contend, are most desirable, — namely, that there shall not be a grant of public money for any school, without the Government having, on that account, the right of inspection; and, also, that no money shall be paid out without due responsibility being secured. This part of the plan I fully approve of; and I think that it places the grant of money for education on a proper footing. I heard, with great pain, the Noble Lord the Member for North Lancashire express some doubts as to the integrity of those to whom the expenditure of this money will be intrusted. The Noble Lord has long acted with those Gentlemen; and it was with great astonishment that I heard such imputations thrown out, so unnecessarily and so unjustifiably. I recollect the charges that were brought against the Noble Lord when he introduced his plan of education into Ireland, — a plan which the House was told was nothing more nor less than an attempt to restore Popery in that country, and the first step to render it the established religion of this country. I recollect how the Noble Lord treated these accusations; and I hope that the Government will manifest the same courage as was then displayed by the Noble Lord, and will persist in their present plan of education.

But, Sir, I cannot help adverting to another point of some importance. It has been said that the adoption of this system would endanger the religion of the establishment. Now, the Dissenters might complain that all the members of the Committee of Privy Council for Education are members of the establishment, and that, thus, they have no control whatever there: but how the construction of this committee can be dangerous to the church, I confess that I cannot understand. I think it would have been objectionable to have ministers of the establishment acting as members of this committee; for it would have led to complaints and dissatisfaction among other parties, if the applications of Dissenters to have ministers of their respective denominations placed on the board were refused. With regard to the petitions that have been presented, — and more particularly the petitions of the Wesleyan Methodists, — most of them are applicable to the original plan, and not to the one now before Parliament: and if the parties were made acquainted with the alterations that have been made, they would see that the grounds of most of their objections have been removed. I find that most of these petitions against the plan that has been abandoned, have emanated from the Wesleyan Methodists: but there are very large bodies of Method-

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ists who have not petitioned on the subject; and there are also large bodies of Dissenters who have refrained from doing so. Since the plan has been modified, I am satisfied that most of these objections have ceased to exist; and I sincerely believe that a strong feeling of attachment has grown up for the plan promulgated by Ministers. A petition has been presented in favour of the proposed scheme from the representatives of the Independents, the Presbyterians, and the Baptists in the metropolis. This petition expresses decided approbation of the plan proposed by her Majesty's Ministers. The petitioners, after stating their regret at the institution both of secular and religious destruction which prevails amongst the poorer classes of the community, say that they are satisfied that no voluntary association could successfully grapple with the evil. After alluding and replying in very forcible language to the unjustifiable claim put forth by the clergy to the exclusive control over the education of the poorer classes, the petition proceeds:—

That your petitioners feel the deepest gratitude for the expression of her Majesty's most gracious wish that the youth of this kingdom should be religiously brought up, and the rights of conscience should be respected; whilst they pray the House to sanction the grants of public money, under a proper system of lay inspection and the responsibility of the Committee of Privy Council.

Such is the opinion of the great body of the most influential of the Protestant Dissenters in this country,— namely, the representatives or delegates of the Dissenters in London; and I believe that the Dissenters in the country, generally, concur in the same opinion. I feel convinced that the change which has been made has rendered the plan acceptable to the great body of the people; and I think it a matter of essential importance that the House should not oppose it. The present Government has been the first to introduce any system of national education into this country; and I think they deserve great credit for having overcome the prejudices that prevail on this subject,—and, above all, the religious prejudices, which are often the strongest of all. The Government have now got rid of the reproach of wishing to keep the people in ignorance. I do not know a more important duty on the part of the Government than that of instructing the people. With the sincerest desire for the promotion of education, and with the anxious wish that it should not in any way be sectarian, but that all classes should have free access to useful knowledge, I hope the House will sanction the plan of her Majesty's Ministers. With these feelings, and being impressed with the conviction that this plan is as little open to objection as any that could be devised, I shall give the proposition my support. The outcry that has been raised against it, is nothing more than another attempt to raise the cry of "No Popery!" which I am happy to find has been put an end to both in and out of Parliament. We have been told that toleration has gone far enough, and that the time has come at which we must make a stand. I hope that the stand will not be made against the general diffusion of education. I trust that the House will not oppose the first scheme of national education which has been proposed by a Government in England. I shall, assuredly, give it every support in my power; and I trust that this House will look with indulgence at any trivial faults, or deficiencies in details, which may have crept into the scheme, as now proposed by her Majesty's Ministers.

LORD TEIGNMOUTH.—Sir, I have listened with the utmost astonishment to the tone which has been adopted by some Honourable Gentlemen opposite,—considering the extraordinary concordance of opinion which prevails throughout the country, as to the absolute necessity of making religious instruction form an essential portion of any system of education which is to be founded and fostered by the state. I was almost led to believe that the Noble Lord opposite had gone the length of propounding in this House what he would not have attempted to assert anywhere else,—the doctrine of a general Christianity, abstracted from distinct and peculiar tenets. I must, for one, protest against the very pernicious powers, in this respect, which it is proposed to intrust to the Committee of the Privy Council. I have listened with attention to the deprecatory speech of the Honourable Member who has just sat down; but it has not in the smallest degree altered my conviction that the present Government, from the moment when it first came into power, has evinced a continued and uninterrupted hostility to the Church of England,—which would, no doubt, have broken out into overt acts in other instances besides that of the appropriation clause, but for the constant, vigilant, and combined opposition of this side of the House. Because these Members of the Privy Council are men of character, and, as I trust, men of religion, does it follow that they are to be trusted with the whole education of the country? The Honourable Member for Leeds has spoken of certain bodies of Methodists, as contrasted with the Wesleyans; but I would beg to remind the Honourable Member

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hat the Wesleyans are as numerous as he entire of the rest of the body of Dissenters, — with whom they may be considered, in parliamentary parlance, to ave "paired off" on this question. I cknowledge I was quite astonished, on a ormer evening, to hear the style in which ne Honourable Gentleman the Member or Liskeard argued in defence of a ystem of exclusively secular education. he Honourable Member certainly could ot have advanced a more potent argument in favour of a system of religious nstruction, during youth, than when he dverted to the fact, that young men reeived no religious instruction when they ntered upon their professional studies. t is utterly monstrous to think of such a octrine being put forward in an enghtened age. The very instance which hat Honourable Gentleman adduced, of ndividuals bred to the law and other proessions, not having religious instruction ixed up with their professional educaion, is exactly a case against him; inasuch as such persons are, of course, supposed to have been grounded in religion efore they devoted themselves to professional pursuits. I must confess that I iffer from some Honourable Gentlemen n this side of the House, who have dmitted that the British and Foreign chool Society should be placed on exctly the same footing as the National chool Society. Now, it appears to me, hat the national schools have a much igher claim on the consideration of the tate than the schools connected with he British and Foreign Society. As conscientious believer in the truth of he doctrines of the Church of England, - believing them to be the only true doctrines, — I must object to any system of ducation in which they are not enforced; nd, on the same ground, I must also old that every religious system which is ot conformable to them must be more or ess false. If we look at the question in statistical point of view, we shall find hat the Church of England is six times nore numerous than all other classes of Dissenters in this country, including the Wesleyan Methodists, and twelve times nore numerous, excluding the Wesleyans. t is well known to every clergyman, that f an approved system of management were introduced into the national schools, he Dissenters generally would be very willing to send their children to those schools; and Mr. Duppa, the secretary to he Central Board of Education, has declared his opinion that a very large proportion of the dissenting population have no religious scruples to prevent them from sending their children to schools where the religious instruction is conformable to the rites of the Church of England. Now, I appeal to Honourable Members, as men of sense and candour, and as men of business, whether, considering these facts, I am not naturally led to this conclusion, — that I cannot conscientiously give my support to any religious instruction but that of the Church of England? God forbid that I, for one, should declare the scriptural education which is communicated by the British and Foreign School Society, under proper inspection, to be hostile to the Church of England. I have been for twenty years engaged in promoting the work of scriptural education; and, in connection with the Hibernian Society in Ireland, have been more or less instrumental in the distribution of copies of the Scriptures amongst no fewer than 38,000 Roman Catholics. But I do not hesitate to state my conviction that the British and Foreign School Society does not do that which it ought to do for the due distribution of its grants. I consider that the very worst feature of the plan, which is said to have been abandoned by the Government, is still retained, — I allude to that portion of it which gives grants to the clergymen of different religious persuasions; and, in truth, I do not perceive that there is anything to prevent the Government from reverting to their old scheme altogether, which, therefore, I treat as a constant quantity. I see no security against the introduction of Socinian and Unitarian versions of the Scriptures into these schools. When her Majesty's Government talk of introducing a system of general religious instruction into these schools, I appeal to Honourable Members, as men of sense and discretion, whether that will not naturally lead to a system of universal sectarianism? This is no metaphysical abstraction. When you shall have stripped this scheme of the flattering colours in which your fancy may have invested it, you will find it a crawling, obsequious, serpent-like, and by no means unenvenomed thing, varying its hues like the chameleon, — now presenting a most pious and evangelical aspect, now assuming the appearance of dissent; — now strictly orthodox — and anon, glittering in all the splendour of a more gorgeous ritual. It is my conviction that the Government must back out of this scheme, just as it has done upon most former occasions. The conclusion of the second minute of Council states that "a portion of the grant should be applied to the purposes of inspection, and of ascertaining completely the state of education in England and Wales." They

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will find it vain to attempt to struggle with the difficulties which they will meet in attempting to carry this scheme into effect; and what will they then do? Why, — abandon the scheme, and expend all the money advanced by the country for its furtherance, in a new commission of inquiry. That commission will probably agree to their report in the year 1842. I would put it to the Noble Lord—(for whom I have the utmost respect), — considering the state of the country, the intensely earnest feeling of the Church of England, and the growing impression on the subject, in all parts of the country, — that something immediate must be done for national education; and I would ask him why he does not come forward and place himself at the head of the established church, and, with God's blessing, save the country, in one of the most difficult and perilous crises she was ever yet placed in? That is the proper position in which a Minister of the Crown should be; whereas it is a false position in which the Noble Lord is now placed. I have heard of an officer of the Catholic Church, called *L'Avocato del Diavolo;* I trust the Noble Lord will not choose that post for himself!

Mr. LANGDALE.— I believe there is an officer in the Catholic Church bearing the title mentioned by the Noble Lord; but the Noble Lord has, evidently, quite misunderstood his functions. The Noble Lord belongs to a party who are certainly consistent in their principle: they take up the ground that the established church, and that alone, ought to have the direction of national education. This I can understand; but I cannot so well understand the principle of the Noble Lord the Member for North Lancashire. I am ready to admit that there has been a vast number of petitions presented against the Government scheme. I admit, as well, the cry that has been raised in the country against it; but when I consider, at the same time, the means which have been taken to raise that cry, my only wonder is, that it has not been greater than it is. The greater number of the meetings which have taken place upon the subject, have been confined to those who oppose the Government scheme; its supporters having been studiously excluded from them. I will ask the Noble Lord (Lord Teignmouth), whether he, himself, adopts the tone of the petitions upon this subject? There is scarcely a term of abuse which has not been employed in those petitions. If those terms be well founded, the Noble Lord should go farther than he does, and propose to repeal Catholic emancipation altogether. If Roman Catholics are anti-Christian and anti-social, the penal laws against them ought to be re-enacted. I must confess that, after the repeal of the Test and Corporation Act, and the passing of the Roman Catholic Relief Bill, I expected there was to have been an end of these distinctions between Protestants and Catholics; and I can only say, that when the Honourable Gentlemen opposite go to the extent of excluding a particular class in the country from the benefits to which they have an equal right with others of their fellow subjects, they are departing from the principle of toleration altogether. If you go to the extent of excluding our Roman Catholic brethren from any share in grants of public money for the purposes of education, you are doing no less than making them pay an unjust penalty, on account of their religion; and I suppose those who advocate such a system will, in a future year, object that any of the public money shall be voted even in favour of the British and Foreign School Society, and insist that it shall be confined to the National Society. The system of general education which is now opposed, is the same which is supported in the East and in our colonies, as well as among our poorer brethren in Ireland; and, under such circumstances, how can you have the conscience to refuse to grant the same measure of instruction to the Roman Catholic masses of the people of this country?

Mr. LITTON. — Sir, I have been ever anxious to raise my voice against a system that has utterly failed in Ireland; and I do maintain that no man who has a regard for the established religion of the country, or who believes the Protestant faith to be the great shield of religious liberty, can, by any possibility, agree to the proposition of the Noble Lord the Secretary of State for the Home Department on this question. Let no man be misled by the assertion that the original plan of the Government, as contained in the minute of the 13th of April, is, in any degree, abandoned. I ask those who agree with me as to the necessity of maintaining the Protestant establishment of this empire intact, to read that minute. They will find there, in the first resolution, that religion must be the basis of every scheme of education: — right; so far I agree with the resolution; — and that religion must be mingled with every branch of education. I believe I repeat nearly the very words; but when I look a little lower down, I find that what is called "general education," is instruction in all religions at the same time; and to make the object more distinct, I find that the Roman Catholic and Socinian versions of the Bible ought to be

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ntroduced, and the pastors of each creed — no matter how discordant their views — allowed to mingle with the mass of the upils. Such is the avowed principle of n Honourable Member, who recently ad-lressed the House with great force of elo-|uence, and whom I listened to with great espect. Attempts have been made to con-ince this House that the Gentlemen oppo-ite, in their resolution of the 3d of June, ave abandoned the resolution of the 19th f April; but, again, I pray Honourable Members not to be misled by this state-nent. The Government only postpone — they do not abandon — their original scheme. The word "postpone" admits but of one meaning, and they say they post-pone it till a better opportunity — till pub-lic opinion shall be more agreed upon the subject, — that is, till Protestants shall be lulled into a false security, and be found asleep at their posts. Then, and not till then, will the resolution of the 19th of April be again brought forward. Now, what is it that is reserved by the terms of the minutes of the 3d of June? Why, that the Committee of the Privy Council shall have power to make such improve-ments as they may see fit. This is nei-ther more nor less than enabling them to make such changes, and grant such sums of money, as they may think proper. They are, then, to be the judges of their own improvements; and no other parties are to be at liberty to say whether the changes they may propose are good or bad. But I will never consent to invest any four men with such irresponsible power. No one can read the resolutions of the Noble Lord, without perceiving that it is the fixed intention of the Government to carry out their original project on the first favourable opportunity; and I will put it to Honourable Members to say whether religionists in this country can agree to such a plan as that which it is evidently the design of the Government, at some time or other, to carry into execution? Some Honourable Members of this House have advocated a system of national edu-cation without religion; but, happily, their sentiments have found no response. This, however, is equivalent to ad-mitting that there should be some re-ligion in any system of education which we may adopt; and, if I am right, the question then arises, — To whom shall we delegate the power of prescribing the form of the religion to be taught in the national schools? I think it should only be delegated to the established church, — because of its connection with the state. What I complain of is, that the plan now proposed goes to allow all versions, what-soever, of the Scriptures to be read in the schools, and that such a system can have no other effect than that of involving the juvenile mind in those doubts and diffi-culties which tend only to infidelity. This is my first objection; and my next is, that any attempt to bring children of different religious persuasions together for the pur-pose of education, would only lead to discord, strife, and heart-burnings. Is it not likely that the ministers of each sect would endeavour to inculcate in the minds of the youth under their charge their own peculiar views with regard to reli-gion? and if such would be the case, how can any other result be expected from it but strife and vexation? This is not the way in which the youth of this country should be educated; neither is it calculated to give them that respect for the constitu-tion which is necessary to render them good subjects. Educated in this way, must they not be led to think that exclu-sion from even the Throne, on account of religion, is unjust? I am opposed to the distinction which has been taken between general and special education; and I think that a system founded on doctrines of cold abstract morality — and that is what I understood by general education — would only create doubt and difficulty in the young mind. The Noble Lord says he has his own opinions respecting the Roman Catholic religion and the So-cinian faith; but, if he think them wrong, why has he not the candour to say so? If the Noble Lord considers the opinions of these sects to be erroneous, would he send his own infant son to a school in which such beliefs are taught? And if he would not, how can he justify his adoption of a principle, in reference to the children of others, which he would not apply in the case of his own? I do think that the time has arrived when the members of the esta-blished church must make a stand. I do fear the admission of the Roman Catholic priesthood into Protestant schools. Their only view is the ascendancy of their own church, and the principle of proselytising is the leading and guiding spirit of the Roman Catholic religion.

There is another body whom I also fear; and that is her Majesty's present Government. The Noble Lord the Se-cretary of State for the Home Depart-ment has never omitted one opportunity of offering indignity to the established church, by attacking the Protestant clergy. He is continually derogating from the usefulness and credit which belong to the clergy of that church, by charging them with neglect of their duty; and from the tenor of the whole conduct of the Noble

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Lord, it must be manifest to every one that the Noble Lord is no friend — that he is, in fact, the enemy — of the church of which he professes himself to be a member.

[Cries of "No, no!"]

Every word he has said, and everything he has done, has tended to lower the established church in the estimation of the country, and to lessen its power. I implore the people of England not to be mistaken or deceived as to the intentions of the Government. You will find that, if the proposition of June be adopted, that of April will not long be postponed; and therefore it is that I say, let us not accept the grant on any such conditions as those on which it is proposed to be given. I trust the House will not suffer our faith to be tampered with or tainted. And why is it that, in Ireland, Protestant children are not permitted by their parents to go to the national schools, but because they fear their religious principles will be perverted. I hope that the power of injuring the establishment now sought for will not be given to the Government; and I say this in the full belief that it would be used for the subversion of the established religion of the country.

Mr. M. J. O'CONNELL. — The opponents of the vote which has been proposed seem to lay great stress on one argument. They say that, although the plan first proposed by Government is abandoned for the present, yet, whenever a lull in the public feeling shall take place, the plan will be revived. But cannot the plan be revived just as well whether the present grant be agreed to or not? Will not the Privy Council have just the same power? But, in fact, the opposition to the grant is, as has been admitted by several speakers, neither more nor less than an opposition to any scheme of national education which is not placed under the exclusive control of the established church. The objection, however, applies with quite as much force to the grant of last year, which was divided between the National Society and the British and Foreign Society. It is strange, too, that the Noble Lord, who was the author of the combined system of education for Ireland, should be the foremost to oppose the introduction of a similar system into this country. The real cause of the opposition is, that a party cry has been unfortunately raised in this country — a party cry of the worst character; for, of all party animosities, the worst is that in which, to the bitterness of political strife, there is added the threefold bitterness of religious bigotry. You have taken advantage of that cry. But what is the position in which you have placed yourselves? You have previously concurred in the propriety of a grant to be divided between two different and discordant societies. One is purely an established church society: the other admits into its schools every variety of Dissenters; and, I believe, does not even exclude Unitarians. The only class excluded from the British and Foreign Schools are the Roman Catholics,—who are prevented, by the rules of their church, from reading any version of their Scriptures but their own. What, then, is the position in which the opponents of the present grant place themselves? They say, "We will allow the benefits of education to every denomination of Christians except the Roman Catholics." Is this the meaning of conscience? Is this zeal for religion? In giving education to many varieties of Christians, you necessarily give encouragement to many whose opinions you deem erroneous. Does not this impart an additional sting to the degradation inflicted on the only class that is excluded? Does it not tend to excite the *odium theologicum* in its worst and bitterest form? Honourable Gentlemen opposite ought to recollect that, in the manufacturing towns of this country, and in many of the northern districts, there are large classes of their fellow subjects professing a religion with which they may disagree (and whether, in doing so, they are right or wrong, I will not, at present, argue), but a religion, the regulations of which prevent them from availing themselves of any of the means now provided by the state for the education of the people.

Are you, I ask, prepared to refuse to this large body of the population the means of removing that ignorance which is asserted to be the chief cause of their continuing in their present religious belief? or will you prefer continuing that ignorance, which is the prolific source of crime and of every physical and moral mischief? Can you feel justified in taking advantage of the wretched cry that has been raised, in order to withhold from this destitute population a small sum, not taken out of old endowments, but drawn from the taxes, to which, poor as they are, they, themselves, contribute? Will you refuse to this unfortunate class of the population the smallest share of those taxes for such moral and religious instruction for their children as they can conscientiously accept? If you truly believe your own doctrines, why should you dread the visits of a proselyting

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riest? Why should you not rather agerly grasp at the offer to communicate nd diffuse knowledge, which you must xpect to further your own principles, if ou believe them to be true? Upon such question, I ask, is the House to be led way by party feelings? If you allow ourself to be so, you may, indeed, flatter ourselves with the idea of being the riends of the church, but you are not he friends to order or to obedience to the aws. You would assume to yourselves he unjust power of dictating to other nen what their belief ought to be, — and, n that assumption, would exclude them from benefits which they ought to enjoy; and you prevent the promotion of that state of feeling which must be conducive to the establishment of true religion in the country. Honourable Gentlemen opposite may gain a triumph if they succeed upon the present occasion; but, if they do, it will be a triumph fatal to the best interests of the people. I trust, then, that her Majesty's Ministers will go on with their plan, however imperfect it may be. The plan is reasonable in itself, — it is doing nothing more on the part of Ministers than what they have been called upon to do by their opponents in Ireland. Let them adhere to their plan, and they will find that the virulence and the excitement — the stimulating topics now so rife, and the bigotry that is now so rife — will be but short-lived, while the gratitude which they will earn for themselves will be perpetual; and their consolation will be in that success — and I say it without profaneness, that holy success — which will secure to the poor and the humble all the blessings of a moral, religious, and truly national education.

Mr. CRESSWELL. — I am desirous of stating, in a few words, the one or two reasons which will induce me to withhold my consent from the vote now called for; and, inasmuch as it has been observed on both sides of the House, that we have been departing from the question really before us, I shall state what the true question is which we have to consider. It appears that her Majesty, by the advice of her Ministers, has constituted a committee to superintend the application of the funds to be voted by Parliament for the purpose of national education; and it has been said that the appointment of that committee, so far from being desirable, can lead to no good; that, instead of being an advantage, it will be an evil; — and here it is that the policy or impolicy of the measure has been brought into direct discussion. By a majority of 5, it has been voted that there is nothing so objectionable in the measure as to call for an Address to the Crown, praying that the Order in Council may be rescinded; but when we see the majority so small, and the opposition so great, I do think that it becomes the House to ascertain what the powers are which are to be given to the committee so constituted and so sanctioned. It is not merely the grant, but the use to which it may be applied, which we are called upon to discuss; and it is for the House to say whether they are prepared, without the sanction of the House of Lords, to adopt such a course? It has been said by an Honourable Member opposite, that this grant is withheld because of its apprehended effects; but it is obvious that without the grant there can be no effects. The committee may be appointed to determine the regulations; but if they have no money either to pay inspectors or to bribe schools to submit to them, what will become of their proceedings? The Noble Lord, opposite, is a member of the Central Board of Education; and what are the sentiments of one party connected with that board? Why, he says, in a pamphlet which has been published, "Let the central board have power to build schools, — let them have power to support good schools already established, — and the way will be gradually paved for a more comprehensive system, and bringing charity schools under the control and direction of the board." Now, this is a power which I will never consent to give to the board; and for the best possible reason, — that it would enable them by degrees to introduce any system of education they might think fit. Entirely concurring with all that has been said as to the magnitude of the interests involved in this question, — as to the importance of national education to all classes of the community, and as to its effects on all their prospects here and their hopes hereafter, — I will not consent that this House shall take upon itself to confer, on any committee, powers so extensive, without the sanction of the other branch of the Legislature. I never will give my consent to a proposition so unconstitutional as that of wresting from the House of Peers their lawful interference, and that the House of Commons shall take upon itself to legislate, by a species of sleight of hand, on a subject of this kind. Is this view, novel? or is it merely my own suggestion? To show that it is not, I have only to quote the words of the pamphlet to which I have already referred, and in which it is said that "all hopes of amendment are to be distrusted, owing to the balance of parties in the country; and perhaps it might be ir

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before any Bill for establishing a system of national education would pass the House of Lords; but then a Bill for national education is not a *sine quâ non*, as her Majesty's Ministers have the power in their own hands, if assisted by a vote of the House of Commons, of extending a new scheme, and reforming those that exist." I trust that these are not the views of the Noble Lord.

I have now stated my first objection; and my second is, that I will not consent to delegate powers to a committee of the Privy Council, which will be, in effect, surrendering up my own judgment. If the object of the Government be, the establishment of a permanent system, why have they not stated their scheme candidly to the House, in order that, if we approve of it, we may adopt it; or if we disapprove of it, that we may, at all events, record our votes against it? I cannot be said to use an unfair or an illogical argument, when I take the statement of those who are the supporters of the measure, and show to the House what they think would be the consequences that would arise from its adoption. I do not give this statement as the opinion of the Noble Lord; I merely give it as an evidence of the opinion of my supporters; and, upon the ground that the measure will have the effect stated by its supporters, I shall offer it my strenuous opposition. Upon what grounds does the Noble Lord ask our support of the proposed scheme? Is it that the opinion of the country has been so strongly expressed in its favour, that there can be no doubt of the propriety of supporting it, and that it should be taken for granted that it will have the assent of the House of Lords? Is it because it has been carried by the large majority of 5, that we should take that as an indication of how popular a scheme it is with the country generally, and that it therefore must, of necessity, have the acquiescence of the Lords?

Before I advert to the importance of that large majority, I will ask the House to recollect how it was composed; and it was, I would beg to remind the House, a majority not upon an open question, but upon a strictly Ministerial question,—upon a very close question. But does the Noble Lord claim our votes upon the ground of the numbers of that majority, as affording an evidence of how popular the measure is,—as an evidence of the general confidence of the country? Could they come before the House, and say, "We have the support of the country in this scheme; we have the confidence of the people; there is but a miserable minority, so small that it is scarcely discernible, and therefore we are justified in demanding your support?" Is it under these circumstances they ask for support? If it be, I, for one, beg respectfully to say that my confidence in her Majesty's Ministers is not strong enough to induce me to forego my opposition to this measure. I wish that the House could have more definite information as to the scheme which is to be adopted. Is it the former scheme, or a new one? How can any one be expected to give his support to a scheme so doubtful and indefinite? Are we to believe that the Noble Lord has entirely abandoned his former scheme, and that there is no idea of again adopting it? Or is that scheme merely postponed, to be virtually carried into effect if this grant shall be obtained? I do not deny that the Noble Lord cannot be blamed for bringing it into operation, if he think it the best scheme which can be adopted; and therefore it is, that the House should hesitate before it votes a grant which may be applied by the Noble Lord to the purpose of bringing the original scheme again into operation; and this would be to be expected, if, as I have remarked, the Noble Lord holds it to be the best scheme. If he think that plan the most desirable, is he not bound, as a Minister of the Crown, to bring it into operation, if we give him the power to do so by this grant? With respect to another topic,—namely, the petitions against the Government scheme of education,—it has been said that they are mostly against the former plan, which had been abandoned, and not against this latter. Now, the fact is, that the former plan was abandoned so quickly, that all the persons who petitioned against it had not time to petition also against the latter; but if the latter system proposed was pleasing to them, is it not to be supposed that they would state so to the House? Would they not be bound, as honest men, to do so? Therefore I will say that their silence as to the second plan is an indication of continued opposition upon the part of those who had petitioned against the former scheme. The Noble Lord has abandoned the former plan; and he now comes before the House to say, that, as we had refused to let him proceed with his former plan, he will not now ask us to let him do as he pleases. But if, after the House has given its assent to the grant, the committee will give support to any schools it may please—(besides the two descriptions mentioned)—if a person establish a school upon the former plan, and apply for a share of the grant in support of it,—how can they refuse him? I trust I shall not be reckoned flippant in suggesting a comparison which

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strikes me. The licensed victuallers complain generally of the beer-shops, — and principally in consequence of the permission accorded to the latter to consume beer on the premises. I suggested to a person who urged that objection, that it might be removed by depriving them of the privilege of permitting beer to be consumed on the premises: but the person to whom I made that suggestion answered me by saying, that in such a case the evil would still continue; for the owner of a beer shop would take the next or some adjacent house, and allow the beer to be consumed there. In the same way would this grant, by affording support to schools upon the former plan, enable the Noble Lord practically to support that which has been professedly abandoned.

[Cries of "Hear, hear!" and laughter.]

It was said, a few nights ago, by the Honourable Member for Lambeth, that the religious liberty of the people is concerned in this question.

[Cries of "Hear, hear!" from the Ministerial benches.]

I am not opposed to religious freedom; but I feel bound to say that I do not see how religious liberty is effected by this question. Those who oppose this plan of education do not desire to deny religious freedom; they do not seek to prevent any man from worshipping God according to the dictates of his own conscience, or to interfere with the religious feelings of any person. I do not see how religious liberty can be said to be concerned in the question, unless we have the same opinion of religious freedom which another Honourable Member has of freedom of education, who has said that freedom of education consists in every man having a right to receive his education at the expense of the Government. If we were to go so far as this with religious education, perhaps it might be said that religious freedom was equally concerned in the same principle,—that is—if you maintain that, every man has a right to be taught his own peculiar religious creed in a temple erected at the expense of the Government; but unless you go that length, I cannot see what effect it has upon religious liberty. It has been said by another Honourable Member that every man has a right to his own creed, but that he has at the same time no right to interfere with his neighbour's religious belief, as he has reserved the privilege of judging for himself upon such a subject. If, by that, it be meant that no man has a right to reproach, or annoy, or inflict any penalty upon, his neighbour for his religious opinions, I fully concur with the sentiment; but I deny that a man has no right to form an opinion as to the correctness of the religious doctrines of another. If it be said that no man has a right to decide whether the creed of another is right or wrong, I cannot agree in such a principle. Why, how can a person believe his own creed to be right, if he do not believe those which differ from it to be in error? If a man were to choose between two creeds, how could he select one for his belief, if he did not think the other was in error? But, at the same time that I think such a privilege ought to be allowed, I do not mean to deny to every man the right to select and entertain his own belief. I would say, Let every man enjoy his own creed. Is it to be inferred, however, that because we do not interfere with a man in his religious belief, we are to go further, and assist him to propagate his error? It is because the House is now called upon to do so,—to assist in propagating error, — that I raise my voice against this scheme. If you wish, you may vote for such a plan; you may shock my feelings by doing so; but I shall have satisfied my own conscience in protesting and voting against it. I do not understand the argument which has been used by Honourable Members at the other side, — namely, that it is equally unfair to ask Roman Catholics and Dissenters to support by their contributions a creed from which they differ. If you grant funds for the maintenance of the Roman Catholic priesthood, you will not violate my conscience, whilst I vindicate it by voting against that application; and exactly the same argument applies to Roman Catholics and Dissenters. We all know that that respected body, the Society of Friends, refuse to give their assistance or support to war; and, upon your present principle, should we not violate the conscience of every Quaker in the empire by obliging him to support the taxes that enable us to proceed with the war? It is a most nonsensical mode of arguing to say that the consciences of Roman Catholics and Dissenters are done violence to by our giving a portion of the money of the state to the support of another creed. It has been said that the experiment of teaching children of different religious persuasions in common has been already tried, and found successful. Now, I will put the House in possession of the facts of the case; and you will then be enabled to judge how far the experiments which have been tried

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have proved successful. It is said there is a neutral ground in religion, upon which children of all creeds, if Christian charity prevail among them, may meet on a footing of equality; and that this we shall ascertain from the result of the proposed experiment. I know but one place where the experiment of the system of mixed instruction has been tried,—and that is Liverpool. About three years ago the corporation of Liverpool devoted part of their funds to the purposes of that experiment; and they accordingly established two schools in which children of all sects were received, and in which ministers of each creed were allowed to attend to instruct the children in their several doctrines, at particular times. At that period there was a strong Protestant feeling in Liverpool, against the plan; and the consequence was, that the greater part of the Protestants, whose children had previously been receiving instruction at the schools, withdrew them when the new arrangement was brought into operation.

[Cries of "Oh!" and, "Hear, hear!"]

Yes; those who were opposed to the system of mixed religious instruction were accused of a disinclination to afford instruction. But how was that proved? By their subscribing a sum of 10,000*l.* for the purpose of affording education to those who were not inclined to avail themselves of the schools which had been established by the corporation of Liverpool. The boon was as gratefully accepted as it was munificently bestowed. But to return: in the corporation schools, in the first instance, extracts from the Bible were given to the children, and not the whole Bible; — of course, I mean during the hours in which they were under the master of the school. The cry, however, against this part of the plan, became so strong, that they were obliged to abandon it; and the whole Bible was placed in the hands of the children, with the exception of those children of Roman Catholics who still had the extracts. But how did the special religious education go on? In the year 1837, there were 320 Roman Catholic children in these schools, and no Roman Catholic had ever attended, nor had any dissenting minister. The only person who ever attended was a minister of the Church of England.

[Cheers from the Opposition benches.]

Here, then, was an end to the system of combined religious education. It is possible to have a combined secular education, but not a united religious system. I find, by a letter which I have this day received from Liverpool, that there are in the charity schools of Liverpool — the great bulk of which are daily schools — 8957 children belonging to the Church of England, and 3098 children of different religious persuasions, with 304 children of the Scottish church, — making, in all, a total of 12,359 children. Of these, however, the Roman Catholic children are educated, principally, at one school (St. Patrick's), and the remainder are dispersed in various different schools. Now, how any body can say that the combined system of education has been introduced in Liverpool with the most perfect success, I cannot imagine. There is no neutral ground in religion. A clergyman, who felt much interest in the success of the system tried by the corporation at Liverpool, offered his services, upon the condition that the children should begin the day with some form of divine worship in which all might join. But this plan failed. Objection was started after objection; and, at last, it was proposed that they should repeat the Lord's Prayer. But that, also, was refused. The Roman Catholic priest refused to allow the Roman Catholic children to join in repeating that prayer, although it was given to us by an authority whom all reverence. Where, then, are we to find neutral ground on which may be built an altar at which all can worship? Combined religious education is, in my opinion, an attempt perfectly hopeless. It has been asked by the Honourable Member who spoke last, if we believed their creed to be true, why are we afraid of the proselytising of the ministry of another creed? My answer to that question is, — Because we believe our creed to be true, we are the more afraid of having it tampered with. Believing, as I do, that the proposed system is calculated to produce much evil, I shall not give my support to any grant in order to carry it into operation. I cannot consent to allow such an important matter to be at the disposal of four Privy Councillors; nor do I believe it right to dispose of so important a measure without asking the consent to, or acquiescence in, its principle of the co-ordinate branch of the Legislature.

Mr. VERNON SMITH. — I shall endeavour, in the few observations I intend to offer, to confine myself entirely to the subject of this evening's discussion, as, indeed, was promised by the Honourable and Learned Gentlemen who preceded me, — a

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promise from which he has, however, greatly deviated. The first and principal argument advanced by the Honourable and Learned Gentleman was, that upon this occasion the House of Commons is interfering with the privileges of another branch of the Legislature. The Honourable and Learned Gentleman seems to have utterly forgotten that it is one of the peculiar privileges of the House of Commons to vote the public money. The Honourable and Learned Gentleman advanced it as something novel in history, that we should now, for the first time, be proposing a vote of money for the purpose of establishing a principle, independent of the other branch of the Legislature. Let the Honourable and Learned Gentleman look at all Acts of a like nature that have been passed for the last twelve years; — let him look at the Miscellaneous Estimates, and he will find very many sums granted without the assent of the other branch of the Legislature. I should like to know whether the Noble Lord the Member for North Lancashire (Lord Stanley) would broach the same principle, on which the Honourable and Learned Gentleman has so long dwelt? I should like to know whether the Noble Lord's own system of Irish education was not established by a vote of the House of Commons? Let him, also, look at the Appropriation Acts, and he will find the same principles there established? What does the Honourable and Learned Gentleman say to our colonial education — to the sum that was voted for the education of the negroes, — and that, too, upon a liberal and comprehensive plan, much more extensive than the present? And yet the Honourable and Learned Gentleman talks of the House going away from this principle, or, rather, receding from it, because what is meant, is not to be done with the united voice of the other branch of the Legislature. Another argument used by the Honourable and Learned Gentleman, and one more appropriate to the previous discussion, was — the conduct of the Privy Council. I know the determination of Honourable Gentlemen opposite, to fight the question inch by inch. Upon this occasion, they must allow that one inch, at least, has been gained. We have not the sanction, but the assent, of that House, to the order of the Privy Council.

[Cheers.]

If Gentlemen opposite think it is otherwise, let them bring forward the question, and debate it again.

[Cries of "Hear, hear!" and laughter.]

I can only say that,—perfectly admitting the scantiness of our majority of five ——

[Laughter, and cries of "Hear!"]

It is not by discourteous laughter that an answer ought to be given. I am only asserting what I have asserted before. I do not deny that our majority, hitherto, is scanty; but if we debate the question over again, I, for one, should be very glad of it. I should be right glad to have such debates taken over and over again; because I must say that, on this side, we are unanimous in the assertion of those principles of religious liberty upon which we have always acted. I will ask my Honourable Friends behind me, — some of whom have been pleased to say that they see no very great difference between the present Administration and that which might be composed of Honourable Gentlemen opposite, — whether this debate has not convinced them that there is a most important difference between the principles of the two? The Honourable and Learned Member for Liverpool said he has no confidence in the Administration, and I have no reason to expect that he has; but the Honourable and Learned Gentleman should recollect that, on this occasion, the Government, who propose the grant, are responsible for the manner in which that grant is applied; and when Honourable Gentlemen talk of the abandonment by the Government of their plan, and attempt to put us in a dilemma by using that argument against us, I believe I am justified in saying that we only abandoned that plan because it appeared to be unpopular.

[Cries of "Hear, hear!" from the Opposition benches.]

It is abandoned for the present, because the Government have found it to be unpopular. They have not, however, abandoned the defence of that plan, but the plan itself.

[Much laughter].

And they are prepared to defend it, knowing that it might be carried into effect if the country were in its favour The first plan is abandoned: and, when Honourable Gentlemen talk of its at present being carried on with the money now to be voted, I will say they are mistaken; for this is no more possible than for the Treasury to appropriate any sum of money to any other purpose than that to which it has been devoted by Parliament. The present proposition is for 30,000*l.* to carry on

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the plan of the 3d of June, now before the House; and if the Government were to devote it to the former plan, they will be held responsible for every sixpence of the money. I will not enter into a discussion of the plan of the 3d of June, now, but will call the attention of the House to the grants of moneys that have been annually devoted to the purposes of education. In the year 1833, Lord Althorp first proposed a vote of money to be divided between the British and Foreign School Society and the National School Society: but I deny that that could be considered as "a scheme;" it was only a temporary expedient to allay the great thirst that then existsd for education, until the Government and Parliament should have had an opportunity of examining the question. There was no "finality" in that proposal. Why, the very year afterwards, at the suggestion of Mr. Roebuck and the Honourable Member for Yorkshire, a committee was appointed to inquire into a system of national education, and I served on that committee. In the year 1835, a similar committee was appointed; and the result of it was a Report, containing a great mass of information which many Honourable Members in this House will do well to read. In 1838, another committee was appointed, but they only reported in favour of the extension of education; and I will ask Honourable Gentlemen whether they mean to call the present plan a scheme for national education? Is 30,000*l.* the utmost sum they are prepared to vote for the purpose of carrying out a scheme of national education? Why, on the most trifling objects of our Estimates, the House would vote a larger sum. Thus, if we look at our convict vote, it will be found to exceed the amount. Where public money is voted, the public has a right to see how it is distributed; and the vote now proposed is of a temporary nature. The grant is to be given to the secretaries of the British and Foreign School Society and the National School Society. But is this to be called "a scheme?" A splendid scheme it is, forsooth! Why, I, myself, should be one of the first to object to it, if it were to be permanent: for, by the principle of the British and Foreign Schools, Unitarians and Roman Catholics are excluded. I also object to the National Schools; and it is for the very reason for which the Noble Lord the Member for Marylebone praises them. The Noble Lord says that it is the boast of this society, — the schools of which more peculiarly belong to the established church, — that Dissenters attend them in many parts of England. I will maintain this is the cause of great mischief. I would entreat the House, — and it is from objections on religious grounds that I do so, — in the education of children, to avoid confusion of religions; but I am entirely persuaded of this, — that greater confusion would arise from educating Dissenters in the national schools than from educating them in any schools of the Government. A Dissenter's child attends the national school. What is the consequence of that? He finds that his master and his pastor are at variance; he will hear doctrines contrary to those he hears at home; he will find the religion of the school and the religion of his home at variance; and he will be worked upon by the opinions of the others who are educated in the school. What is it that is most insisted upon in the national schools? Why, the Church Catechism. If, indeed, I were not tempted to withdraw any grants for such a system, at least care should be taken to have a vigilant inspection of the schools, to see how they are conducted. The Honourable and Learned Member for Liverpool has said that the clergy of the established church have been the sole educators of the people; but if the Honourable and Learned Member asks me the meaning of the term religious liberty, I should say that it does not consist in any such system. The Honourable and Learned Member also said he would not consent to the propagation of erroneous principles; why, then, does he consent to vote for church extension in the colonies and in Scotland? Why vote money to any other than the Church of England? Each of these cases is an instance to prove that he consents to the promotion of erroneous principles. Where, I would ask, should the public money go, but into these barren regions, — as the Noble Lord the Member for Marylebone called them, — where religious education is most wanted, and where there is no other way of providing it? Where do we build our churches with the public money, but in places where there is a want of them? The Honourable and Learned Member for Liverpool has taunted this side with the smallness of our majority, and has asked whether this is to be considered "an open question?' I will say nothing more to this, than that it is more likely to be an open question on the other side of the House than on that of the Government.

If Honourable Gentlemen opposite wish to possess power, they must, from all I have heard in the course of this debate, make religion itself an open question. For how could they possibly bring into one Ministry all those speakers who, on

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the Opposition side, have attended the debate on this subject? It would be curious to learn in what school all those Honourable Gentlemen have been educated. In my opinion, the remark of the Honourable and Learned Gentleman was most ill-timed. But the House, having already sanctioned by a majority,—however small it may have been, — the Order of the Privy Council, the question is, whether you will now deny the Government all the power of carrying it out, by refusing the grant of money now proposed? I cannot undertake to say, — but of this I am satisfied, — that, whether you are prepared to refuse the money or not, my Noble Friend (Lord John Russell), who is so conspicuously the advocate of religious liberty, has shown that, in addition to political wisdom, he is gifted with political courage, and I hope to add, political success. As regards the vote of money itself, — the object of this night's debate, — the sooner we come to a division the better. The Noble Lord the Member for North Lancashire referred back to the reign of Henry IV., in order to show that the church, in former times, was the sole educator of the people. I, also, remember an anecdote of the time of Henry IV. Parliament being, in the time of that monarch, called upon to vote a supply, voted an Address, informing his Majesty that he might just as well take the temporal revenues of the church, which would afford an excellent supply. When the House went up with this Address to the King, the archbishop, who was present, said that, although they did not contribute money to the wars, yet they furnished their vassals, and gave their anxious prayers. The Speaker of the House of Commons smiled, and answered, that "what the Archbishop said might be very true; but he rather thought that the prayers of the clergy would form but a very scanty supply for an army." So much for those who are so anxious to act upon the precepts of antiquity.

[Loud cries of "Question!"]

I thank the House for the indulgence shown to me. I confidently hope that the vote will be agreed to.

SIR G. CLERK. — After the full discussion of the question which has already taken place, and after the various arguments which have been put forward with so much force and effect by Honourable Members at this side of the House, and which are still unanswered; I should not feel it necessary, even if I had the ability, to occupy the time of the House for a long period. But I could not hear the speech of the Honourable Member who has just sat down, without offering one or two observations upon it. The amount of this grant is the subject least deserving the consideration of the committee; — the question is as to the principle. When the Noble Lord first brought forward his proposition, he gave the House to understand, at the time, what his intentions were as to the mode of proceeding he would adopt. In the course of the speech which the Noble Lord delivered upon that occasion, he stated that it was his intention to proceed by Bill; and that he intended to bring in a Bill to carry into effect a system of national education.

LORD J. RUSSELL. — No!

SIR G. CLERK. — It is most unfortunate that the Noble Lord should have been so generally misunderstood and misrepresented, for I find that, in all those channels of information which report the proceedings of the House, and by means of which we are in the habit of refreshing our memory, occasionally, as to what takes place here, the Noble Lord is represented as having expressed himself to this effect; and it appears, further, that when the Noble Lord was asked for some explanation as to the plan he meant to propose, he stated that he would enter into the details of the plan when he brought his Bill before the House. It seems, however that the Noble Lord has found reason to change his course, — I suppose, by the arguments contained in his Right Honourable Friend's pamphlet, — and by proceeding by a vote of this House, instead of by Bill, he endeavours to deprive the House of Lords of all opportunity of giving any opinion upon this most constitutional and most important question. This I think, in every sense, a course most objectionable. The settlement of so important a question as the establishment of a system of national education ought to have the concurrence of every branch of the Legislature. But, then, as has been already asked by my Right Honourable Friend, what security have we that the original plan of the Government will not be revived? What security have we that the original plan may not be carried into effect by means of this money, should the committee consent to acquiesce in this vote? The Noble Lord, and those who have spoken from the other side of the House, have told us that all the most objectionable parts of the first plan, such as the erection of normal schools, will be given up. But, then, we know that the Committee of the Privy Council still hold the opinion that it would be better to apply this money according to the original plan which has been,

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for the present, abandoned; and, Sir, there is no restriction whatever as to the application of the vote now in your hands. The Government, or the Committee of the Privy Council, acting with the concurrence of the Government, will be perfectly at liberty to dispose of this money, and to distribute it in whatever manner they may think fit. The Honourable Member for Northampton, who last addressed the House, has spoken of the plan introduced by Lord Althorp in 1833, and I certainly think that he adverted to it in a manner that was not to be expected from a member of her Majesty's Government, in speaking of a plan which had been introduced by that Noble Lord. It is not for me to enter into a defence of that plan; but on every occasion, in each successive year, when a vote of money has been asked for by the Right Honourable the Chancellor of the Exchequer for the purposes of that plan, it has been invariably eulogised by the Right Honourable Gentleman, as having been unusually successful, and as having given great satisfaction to the public at large. There are many different points on which the present plan differs from that which was introduced by Lord Althorp in 1833; and what principally induces me to address the committee, is in consequence of my learning, for the first time, from the terms of the resolution, that it is intended to extend this plan to Scotland! It is with the deepest alarm and the most anxious apprehension that I view the attempt to extend this plan to Scotland. I will confidently venture to say that no person connected with Scotland was aware of this intention, or anticipated, until the resolution was read, that it was intended to extend this plan to that country. If I understand the vote correctly, it is to the effect that a sum of 30,000*l.* be granted for the purposes of education throughout Great Britain. If this sum be voted, it will be placed entirely at the disposal of the Committee of the Privy Council, to be distributed as they may think fit. The Right Honourable Gentleman the Chancellor of the Exchequer smiles; but I say that the changes which this plan proposes to make do call forth the serious apprehensions of all connected with Scotland. There are two most important alterations in the present plan, which will most materially affect that country. When the Honourable Member who spoke from the other side of the House said that the suggestion of a system of national education is now, for the first time, made by her Majesty's Government, that Honourable Member was certainly mistaken in his statement. I will tell that Honourable Member, that for more than a century past, a system of national education has existed in Scotland—a system, too, which, whilst it has given satisfaction to the people of that country, has raised their moral character to the high degree of excellence for which the people of Scotland are so universally remarkable. The peculiar merit of the scheme of public education, that has so long existed in Scotland, is, that it is intimately connected and interwoven with the established church of that country. That system is a religious and scriptural system. It is under the immediate superintendence and direction of the church, and forms part of the ecclesiastical polity of the country. Well, let us now come to consider how the plan proposed to be carried into effect by this vote will interfere with the system established in Scotland. I presume that the people of Scotland will be excluded altogether from any participation in this grant, unless they submit to the supervision of the inspectors to be appointed by the Committee of the Privy Council, and which, I suppose, will go to supplant that supervision which is now vested in the Presbytery. I do not mean to say that the system of education which prevails in Scotland is altogether perfect, or as good a system as it might be made. But whatever defects belong to that system, they do not arise, in any respect, from the principles on which it is founded,—but from the circumstance that the money which the state has provided for the purposes of education in Scotland, is insufficient for the objects to which it is applied. The defects arise from these two causes;—first, on account of the scantiness of the provision, which enables the Scotch Society to give only very small salaries to the schoolmasters and teachers employed; and, secondly, on account of the increased population of the country, and there being no means of providing for the erection of additional schools. We, therefore, were prepared to receive thankfully the grants made in 1833 and 1834 for the erection of additional schools in Scotland, because these schools were to be conducted on the system that had hitherto prevailed, and under the superintendence and direction of our own clergy. There is no inconvenience felt with respect to the attendance in these schools. Many persons are separated from the church, not because they dissent from its doctrines, but because they dislike its discipline. But this makes no difference whatever with respect to the attendance of the children at these schools. As I have said, I presume, that if we get any part of this money, it will be only on the terms of our consenting to

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place the schools under the superintendence appointed by the Privy Council, and which will supersede the inspection of the Presbytery. We know that so unrestricted is the vote, that the Privy Council will have the power to withhold a grant to any school which shall refuse to adopt all the new lights which the Committee of the Privy Council may, from time to time, receive from the Central Society of Education.

Another objection arises from a consideration of the effect that will be produced by the determination of the Privy Council, as expressed in the minute of the 3d of June. It is expressly understood that there is to be a departure from the former system, and that this grant is not, as heretofore, to be confined to the National and the British and Foreign School Societies. The Right Honourable Gentleman the Chancellor of the Exchequer smiles, as if to say, "What has Scotland to do with these schools?" But the Right Honourable Gentleman ought to take care how he distributes money to any schools which are not based upon the principle of the National and British and Foreign Society; namely, the principle of making a knowledge of the Scriptures an essential part of the system of education. The Right Honourable Gentleman, in supporting this plan, has departed from the principle on which he, himself, acted not very long ago. Little more than a year ago, an application was made to the Right Honourable Gentleman by a Roman Catholic clergyman in Edinburgh for a grant of money for the erection of a Roman Catholic school. What was the answer of the Right Honourable the Chancellor of the Exchequer? Did he accede to this request? No such thing. He refused—and very properly refused—to grant any money for any school unless he had a security that that school would be conducted on the principle of the British and Foreign School Society. In effect, this was saying that he would grant no money for any school from which the Scriptures were to be excluded. I think that the Government ought at once to declare to the people of Scotland that their real object is, to pave the way for the establishment of Roman Catholic schools in Scotland. I have no doubt that that is the view of the Government in proposing this plan. Such, I am sure, is the consistent and conscientious wish of many Honourable Members of the other side of the House, who will be found amongst the supporters of this resolution. I well recollect that, in the discussion which took place on the measure for providing for the Highland schools, many of the general supporters of the Government objected to the Bill, because it did not provide for the means of educating Roman Catholic children. I think no Cabinet Minister will get up and declare that such are his intentions. I may safely say that there is not an individual in Scotland who has the least suspicion that this new scheme is intended to extend to that country; and I am confident that, when this fact shall be known, there will be a general burst of indignation from all classes of the Scottish people. I am sure that I speak the sentiments of ninety-nine out of every hundred inhabitants of Scotland, when I say, that they would much rather not receive a single shilling of this money, than receive it on the terms and under the conditions with which alone it is to be granted. This is a part of the subject which has not yet been touched on. I say, this plan will be met in Scotland with the strongest feelings of disgust and indignation: and if the country had been warned that such an intention existed on the part of the Government, meetings would have been held in every town, and the table of the House would be covered with petitions from every part of Scotland against the extension of this plan to that country. And I say, now, that, if the Noble Lord will only give sufficient time for ascertaining the opinion of Scotland, I pledge myself that there will be a unanimous expression of the public feeling of that country against his plan. As we have no intimation on the part of the Government that they have finally abandoned their plan of the minute of the 11th of April,—and believing, therefore, that they are determined to apply this money, when they can do so without danger to principle, according to that plan,—I feel no hesitation in giving my decided negative to this vote. In doing so, I am perfectly aware of the importance of the subject, and of the necessity of extending the advancement of education. Admitting, too, the propriety of a still larger vote, if the principle on which former votes were granted is still to be adhered to, but feeling a strong conviction of the evils which this plan will produce, I think myself fully justified in declaring my intention to vote against the Government.

Mr. SHEIL.—The Right Honourable Gentleman who has just sat down has adverted to the application of the 10,000*l.* to the purposes of education in Scotland, and has stated facts of importance, as showing that the intentions of the Government are not what they profess. But

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the Right Honourable Gentleman has stated one fact which completely destroys his own argument. He has stated that a Roman Catholic priest applied to the Right Honourable the Chancellor of the Exchequer for a grant for a Roman Catholic school over which he presided; but the Right Honourable Gentleman has told us, also, that that application was refused. Why? Because no part of the public money was to be given for the support of Roman Catholic schools. Such was the reply of the Chancellor of the Exchequer. Then, what right has the Right Honourable Gentleman to attribute the intention to the Government, of applying the vote in an improper manner? The Right Honourable Gentleman has spoken of the views of the Government. I cannot dive into those of the Right Honourable Gentleman, but I trust that he did not intend to raise a "No Popery" cry. I have listened to the speech of the Honourable and Learned Member for Liverpool with great attention; and for three reasons: — first, because that Honourable Gentleman is distinguished in his profession; secondly, because he is Member for Liverpool, where a mixed system of education has been tried; and, lastly, because I have taken the trouble to inquire into the facts regarding the establishment and operation of the mixed system in that town, and because the documents which are in my possession completely contradict every position which the Honourable and Learned Gentleman has laid down. There are corporate schools in Liverpool now that corporate reform has been granted; and there were corporation schools there before corporate reform was obtained. And what has taken place? Before the establishment of corporate reform, there were only three Roman Catholics out of 90,000 who received the benefit of instruction at those schools. If you want proof, here it is; — and for all the facts I state I have proof. Well, when corporate reform was passed, what took place? A council was formed; at the head of which Mr. Blackburne was placed. Here is his statement, as given in the pamphlet which I hold in my hand; here is the plan that was adopted: —

> The property committed to the management of the council does not belong to one party or sect, but to the whole community. The obvious duty of the council, therefore, is so to employ their funds as to render them subservient to the benefit of all. In considering the plan upon which the schools should be conducted, the first question that presented itself was — Is there any system we can adopt which will render them accessible to the children of all denominations, and make them the means of imparting a valuable elementary education, in which, without compromise of principle, all may participate? Unless a satisfactory answer could be given to this inquiry, the continuation of schools, under the management of the council, and supported by the public property, of which they are the trustees, was obviously impossible. To have continued them on the exclusive and sectarian basis on which they have hitherto rested, would have been an act of gross and palpable injustice, and a flagrant violation of their duty, as representatives of all classes of the people, and guardians of their rights. In looking at our state of society in Liverpool, it is impossible to forget that a very large, and not the least destitute, part of the population consists of Irish Roman Catholics, settled permanently amongst us; and, on the ground of justice, humanity, and sound policy, entitled to our sympathy and kindness. They are by birth our fellow subjects, and have now become our fellow citizens. Driven from their native land by a long course of tyranny and misrule, in the review of which every Englishman may well blush for his country, they present a claim to our most strenuous exertions for their moral and social improvement, and ought to be welcomed to the enjoyment of every advantage we can afford them. Can any benefit be offered to them more truly valuable than a sound and useful education for their children? and is it not in the highest degree desirable that it should be imparted to them in such a way as may tend to remove the asperities arising from national distinctions and religious differences, and amalgamate them, as far as possible, in habit and friendly feeling, with the native population? Regarding the Irish national system of education as peculiarly fitted for the attainment of both these objects, and convinced that it is founded on enlightened and truly scriptural principles, the Education Committee determined to recommend its adoption, and the council, by a large majority, confirmed their recommendation.

Such was the system of instruction adopted in one of the greatest towns in the British empire. How, then, has the system worked? The Honourable Member for Liverpool says, badly. Is that the fact? I wrote a letter to Mr. Rathbone, who has replied to the following effect. Mr. Rathbone was formerly mayor of the city, and is a most respectable gentleman, on whose testimony this House may rely.

LORD VISCOUNT SANDON.—Hear, hear!

Mr. SHEIL. — I expected that cheer from the Noble Lord. Mr. Rathbone is politically opposed to the Noble Lord — I believe he voted against him; but I am sure the Noble Lord will not allow that circumstance to weigh with him in bearing his testimony to the high character of an honourable man. This is the answer I received from Mr. Rathbone: —

> Liverpool, May 25. 1839.
>
> SIR, — I have the honour to acknowledge the receipt of your favour of the 24th instant, and beg leave to assure you that I shall have the

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ighest gratification in giving you any information in my power respecting our corporation chools. I have been on our Education Committee from the time the schools came under the anagement of the reformed town council; I peak, therefore, from my own knowledge, and ledge myself to the accuracy of my statements. We have the gratification of believing that ie system works admirably; and that, too, though pposed with reckless misrepresentation, and ith unscrupulous hostility. The Catholic lergy have acted with great liberality, and with most gratifying confidence in us, allowing and ncouraging the children to come to schools nder the direction of a committee at one time holly Protestant, and the teachers, also, have been eady to concede and conciliate wherever it could e done without the violation of a principle. We are bold enough to think that we have demonstrated the fact, that a system of national ducation is practicable; to give to all, the best ossible secular education, a morality which may uard against the dram-shop, and keep out of gaol, ithout interfering with each, each sect being well nstructed in their own peculiar religious dogas, and all proving that they are Christians by heir love to one another. The examinations are proved how well the religious instruction as in the mean time been completed. I believe here is not a school in Liverpool where there is he same quantity of sound religious instruction nd knowledge. Although you do not mention t in your letter, I may as well, even at the risk f being tedious, refer to the cry especially aised against us, — namely, that the Bible was xcluded from the schools. It is true that the Catholics are not compelled to read or hear read he authorised version of the Scriptures, but are urnished with the Douay version: but to the Protestants the authorised version is read; they re taught to read it, and have been from the irst day the schools came into our hands. I may repeat that they are not merely taught to read, but to understand what they read, and to pply its glorious precepts and principles to the laily duties of life. If at any time you should e going through Liverpool, and had an hour to ive to the object, on knowing that you were here, I should have great pleasure in waiting pon and showing you our schools; every one is dmitted to see them, even without introduction, n writing their names in a visitors' book, and t all hours. We have nothing to conceal, and ave, therefore, no mysteries. As I find my riend Mr. Thornely is returning to town, I send his by him. I send you a formidable list of documents; the first, the correspondence between Mr. Symonds and myself, will in fact nswer your letter, and is confirmed by his obervations. The letters in testimony of the criptual education are by very orthodox dissentng ministers, who are quite as far removed from Catholicism as the clergy of the Church of England, and I apprehend much more so, on (to hem) religious grounds. The defence of the chools is also by a very orthodox dissenter, Mr. Blackburne, the chairman at present of our Education Committee, and very much in earnest on the subject of his Protestant faith.

To R. L. Sheil, Esq.

Such are the results, according to a very high authority, of the system of instruction adopted at Liverpool. If a different system had been followed, how large a portion of the population would have been deprived of the elements of literary, moral, and religious knowledge! In Liverpool there is a very large Roman Catholic population, — I believe 90,000. In Manchester and Salford it is nearly as great, — 70,000. It is, indeed, notorious that the county represented by two Noble Lords on the other side of the House, who are opposed to any system by which Catholics can, consistently with their conscientious feelings, receive instruction, contains a vast Catholic population. I do not know the amount of the Catholic population of Great Britain. It has been estimated at 2,000,000.

[Cries of "Oh!"]

I, myself, do not believe that the number is so great; but I have a paper in my hand in which the number of Roman Catholics in England is estimated at 2,000,000. A writer in *Fraser's Magazine* has, in an article entitled "Statistics of Popery," said the number of Roman Catholics in England is difficult to be ascertained; but the amount cannot be less than 2,000,000. That is the statement of a supporter of Honourable Gentlemen opposite — of a Protestant writer, who is opposed to the spread of Roman Catholic doctrines — an uncompromising antagonist of the Roman Catholic church. But, although the number may not be so great, is that a reason why you should not provide for the education of Roman Catholic children? When you are establishing a system of national education, will you institute it upon such principles as to deprive so large a portion of the nation of its blessings; and that portion of the nation who, of those blessings, stand in peculiar need? The children of the Irish emigrants in this country are in a state of the utmost moral destitution; their parents can scarcely procure them food — much less, by their parents, is there a chance that with intellectual aliment they should be supplied. Surely this House, surely every man of common humanity, should pause before he pronounces against them an interdict so severe. You have admitted the Catholic gentleman to the highest places at the bar; you have raised him to the highest offices on the bench; you have received him in the senate house and in the Privy Council; you have placed him in stations of the highest dignity and honour in the palace; and will you, with an almost cruel anomaly, visit the offspring of the unfortunate Catholic emigrant with the last manifestations of legislative intolerance, and shut the door of the village

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school in the face of the poor Catholic child? Sir, this measure is resisted upon grounds in which I do not think that all the Honourable Gentlemen opposite concur. In the first sentence pronounced, a few nights ago, by the Right Honourable Baronet the Member for Tamworth, he took care to intimate that he was not responsible for all that was uttered on his side. To whom and what did he allude? He left us to conjecture how far he adopted or repudiated the views of his auxiliaries. The Right Honourable Gentleman did not very distinctly announce the principle on which his plan of education should be founded; he principally objected to the structure of the board. If the Right Honourable Baronet had said to us, "Put me a bishop or two on the board, and then I will agree to a plan in which all Dissenters shall be included,"—his suggestion would have been reasonable enough; but when he contents himself with saying that the Government ought to intrust the education of the people to an ecclesiastical board, he, by necessary implication, excludes from all share in the advantages of education, a large portion of his fellow creatures. Suppose, for example, the Bishop of London were to be a member of the board,—how could he agree to instruction in tenets which he professionally condemns? He may think, as he is a scholar, that the Douay version is fully as accurate as the authorised one; but, as a theologian, he must pronounce the Church of England to be incapable of a mistake in Hebrew, and to be infallible in her interpretation of the Hellenistic dialect, in which the New Testament is composed. You would, therefore, by putting him on the board, place him in a most embarrassing condition.

But the church, it is said, has a right to superintend the education of the people. The church has, until very recently, exhibited a profound apathy on the subject. Would there be so much ignorance in this country, as upon all hands is admitted to prevail, if the church had performed its duty? The church has been aroused from its torpor, not by its sense of the necessity of education, but by its jealousy of dissent; and when it reserves its interposition until the eleventh hour, we should be slow indeed in giving heed to claims to which the interests of so large a portion of the people must be sacrificed. But, independently of these considerations, the position laid down by the Right Honourable Baronet is at variance with the course which he acknowledges himself to be willing to pursue. He is ready to accede to a grant to the Foreign and British Society. But that society is not under the superintendence of the church. That position cannot be reconciled with the abstract doctrine of the Right Honourable Baronet, so far as any doctrine has been laid down by him. But this inconsistency is not confined to the Right Honourable Baronet. His auxiliaries, if such they may be called, do not only differ from each other, but from themselves. Look at the two Noble Lords the Members for North and South Lancashire, Lord Stanley and Lord F. L. Egerton. The latter, in 1825, moved that the Catholic church should be paid and maintained by the state; he proposed a grant of 250,000*l.* a year for this purpose; and now he denounces a small grant to be applied to the common education of all classes—Catholics included. But he is not so inconsistent as the Noble Lord who has been selected by the Tory party to lead them on, upon this conspicuous question. It was to the Noble Lord the Member for North Lancashire that the assault on education was confided; yet he was that member of the Whig Government, who, in 1831, established the Irish Education Board—established it on the ground that a mixed education was superior to every other; and by doing so, incurred denunciations from his new friends, the Wesleyan Methodists, as vehement as those of which he makes his old friends, the Whigs, the objects. He may tell us, indeed, that England and Ireland are differently circumstanced. Does he say so when the sinecure Irish church is concerned? No; he tells us this, whilst the children of poor Irish manufacturers in Manchester, or in Preston, are to be deprived of the benefit of every education grant to be made by the state. But when we are told that Ireland and England are differently situated, is it not obvious that it is upon grounds of expediency, and not of principle, that the assumed distinction is founded? I am very far from saying that the Irish system of education should be adopted generally throughout this country. But in particular localities, circumstanced exactly as districts in Ireland are confessed to be, such a plan ought to be adopted as should admit those children to the benefit of a parliamentary grant, who might otherwise be excluded from its advantages.

I pass from the Member for North Lancashire to the Member for Pembroke. That Right Honourable Gentleman was a Cabinet Minister when the Irish Education Board was established; and he acknowledged that that was a departure from the principle on which he, himself, insisted. But what is the value of a principle, if it be

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iolated in a hundred instances, and that y the very men who so dogmatically and o peremptorily and infallibly lay it down? hat Right Honourable Baronet spoke fter the Chancellor of the Exchequer, nd rose to institute such defence as cir-umstances would admit of, of the Member r Newark. The Chancellor of the Ex-hequer had ridiculed the stale conscience f the Member for Newark, and accumu-ited example upon example of grants ade to Catholic priests, and for the aintenance of the Catholic religion in ritish possessions, to which the Member r Newark was, himself, a party;—he as Under Secretary to the Colonies nder the Peel Administration, and re-resented that department in the House f Commons. And what did the Right lonourable Member for Pembroke say reply? Why, that all these instances ere a departure from principle, forsooth. ell, if you have treated principle, as you all it, with such utter recklessness in in-tances too tedious for enumeration, can ou not now, where the education of so arge a body of your fellow citizens is at take, put a little of your excessive sen-itiveness aside? For does the incon-istency stop there? The Irish education ommission was adopted by the Tories; ay, the grant was increased by them: very man in office was, in point of con-cience, responsible for a participation in hat proceeding; and the Member for New-rk was then in one of the most important nd responsible offices, which the Member or Tamworth could have confided to him. protest, Sir, I think that the Member or Newark, with all his fine subtlety, will ind it more difficult to reconcile his prin-iples as a Churchman with his conduct as statesmen, than he has found it to re-oncile, in his celebrated work, the right f private judgment with passive obedience o the church. Sir, I entertain for the Honourable Gentleman that respect which s due to his indisputable talent and to his unquestioned worth: but I own, that after having perused a work, of which I in great part approve, as redolent of Catholicism, as tried and proved for a thousand years; —(what an inference from that vast cycle of time must be derived?)—a work dedi-cated to the University of Oxford;—after having read a work in which the Church of England is represented as a continuity, through the medium of apostolical suc-cession, of the great primitive establish-ment; after having perused a book, in which even to the Scotch synod very few, if any, of the incidents to a church are conceded;—after, I say, having read all this, I was not a little surprised to hear the Honourable Gentleman pronounce a panegyric on the proselytes of John Wes-ley, who have separated themselves by boundaries the most marked from the church, who have disclaimed the autho-rity of your bishops, instituted an ordina-tion of their own, and established not only an alien, but a hostile, organisation of their priesthood. You have more reason to dread them than us. Why are you for ever, in reference to Popery, crying out that your church is in danger, and giving way to the most fantastic fears? What in the world makes you so much afraid? Why do you not, as you resemble us in so many other regards, in our fearlessness and security, follow our example? It was in reference to our church that your fa-mous Dryden exclaimed—

> Without — unspotted, innocent within,
> She feared no danger, for she knew no sin.

Surely your consciousness is not the source of your dismay. You have nothing to fear, armed as you are, I presume, in innocence, from any cause, much less from the education of the unhappy Popish poor. Your church, your Anglican church (for I can scarce call it Pro-testant), is incorporated with the state; it is supported by the interests of the higher orders, and the faith of the humble classes; in "the worst of Courts and Parliaments it lifts its untired head;" it possesses vast revenues; it rules over the two most famous universities in the world; it presides over the great patri-cian seminaries of the land; it has re-tained all the pomp, pride, and glorious circumstance of the establishment of which it is a perpetuation,—archbishops, bishops, deans, cathedrals, chapters, golden stalls; it is distinguished by a prelacy eminent for learning, and, what is more important, by the activity, the energy, and spirit of organised con-federacy amongst the parochial clergy. Such is your establishment; and can you bring yourselves to believe that such a fabric, based on the national belief, and towering amidst aristocratic sustainment, can be subverted,—not by foreign in-vasion, not by intestine commotion, not by a great moral concussion, but can be prostrated on the rock of truth, on which you believe it to be raised, by a discharge of Douay Testaments and Popish Missals,—by a set of shoeless, shirtless Popish paupers, gathered, under the command of the Privy Council, from the lanes of Liverpool, the alleys of Man-chester and of Salford, or the receptacles of St. Giles's? These fears, this ague of

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apprehension for your church, is idle, and would be ridiculous, but for the fatal results which it produces, and the constant injustice which it works. It stops the progress of national improvement; and, even amongst men of kind and humane feelings, wherever the interests of the establishment are involved, produces to all considerations, except those interests, an utter insensibility. Take, as an example, the Noble Member for Dorset, who is so remarkable for the benevolent concern he feels for the poor factory children. It does great credit to his heart, that he should feel so deep a sympathy for those unfortunate beings, who, in the spring of life — in the season when, if ever, joy should bud out of the heart — are immured in those dismal factories dedicated to the genius of insatiable gain. How often, and how eloquently, has the Noble Lord expatiated upon the moral destitution to which those poor children are reduced! It is in vain that his appeals are met by remonstrances from those who have embarked their whole property in these speculations, and who tell him that their ruin may be the result of his rash and precipitate humanity. Of everything but its suggestions he is regardless; and in his honourable enterprise, undeterred by every obstacle, with the chivalry of benevolence, pertinaciously perseveres. But, alas! what a contrast he presents the instant the prerogatives of the church are touched! His sensibility at once evaporates; to the imaginary hazards of the establishment, he immolates the interests of thousands and of tens of thousands of helpless beings, and refuses to stretch forth his hand to raise them from the depth of ignorance and of depravity in which they are immersed. Has the Noble Lord ever been in that part of this vast metropolis in which Irish emigration is chiefly deposited? Has he ever traversed that melancholy district, in which, at every step, the eye, the ear, the heart — every physical and moral sense — is shocked? Has he ever looked down into those recesses, in which hordes of miserable children are accumulated in heaps of wretchedness? or has he ever looked up to the dwellings which swarm with diseased vitality, and through sashless windows seen the face of squalid, emaciated, vacant childhood staring with the glare of ignorance and misery upon him? If he were to observe, and become familiar with, such spectacles, his overrighteous habits would give way, — his natural emotions would get the better of true religion, which is identified with his prejudices, — and he would feel that charity and with mercy, requires that, for the instruction of those unfortunate creatures, something on the part of the Legislature is imperatively required. I have heard much in the course of this discussion of the dogmas of theology. I do not profess to be conversant with them; but I sometimes read the Bible, in every page of which the lessons of mercy are so admirably inculcated; and it strikes me that, if there be a passage in which the character of our Saviour is described in a peculiarly amiable light, it is that in which he is represented as desiring his disciples "not to forbid little children to come unto him." I think — I cannot help help thinking — that if, among the little group, on whose heads he was invoked to lay his hands, there had been the child of a Sadducee or of a Samaritan, the God of mercy and of love would not have put the little schismatic aside! Do not imitate the example of those by whom the children were rebuked; — suffer them to approach him; let them have access to the mines of pure morality, and of that truth which is common to all Christians; do not close the avenues to that knowledge which leads to happiness "when time shall be no more;" and, instead of engaging in acrimonious contentions about ecclesiastical prerogatives and pretensions, let us act on the precept contained in the Divine injunction, — "Suffer little children to come unto me, and forbid them not, for of such is the kingdom of heaven."

Mr. GOULBURN. — It is because I feel deeply that the sentiment which is conveyed in that passage of holy writ just quoted by the Honourable Gentleman is distinctly opposed to that system of education which the Government has proposed, and because I am convinced that such a system, instead of bringing children within the circle of religious knowledge, is calculated to exclude them from it, — that I feel bound to dissent from this vote. I have listened to the whole debate upon this question, from the beginning to the close; and I confess that, at this late hour, I feel it impossible clearly to understand what are the views of the Government on the plan which was originally proposed to the House. I have heard statements from one Honourable Member and another respecting it; but I cannot, even now, make out whether the plan is to be abandoned or enforced. I cannot understand, from what has fallen from the Noble Lord, that he disclaims the minute of the 3d of June. But, from the

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Honourable Secretary for the India Board it appears that the original plan is not altogether abandoned. The question, then, is, — is it abandoned, or is it not? Let it be known, distinctly, whether the Government mean to apply the grant strictly according to the practice of preceding years, or to adopt, with respect to its application, that course which was so clearly laid down in the first minute of the Privy Council, and which has been subsequently alluded to in terms so distinct, as to leave no doubt on the mind of any man, that such is the plan which, if left to themselves, they are determined to follow. The committee is now called upon to vote for a grant of 30,000*l*. What was the former course of the Government? They laid down the principles on which the vote was asked, and described the manner in which it was to be applied. Let the committee read the vote of last year: — "That a sum be granted to his Majesty to enable his Majesty to issue money for the erection of school-houses in aid of private subscriptions for that purpose, for the education of the poorer classes of England," and, I may add, of Scotland also. Now, what is the vote this night? There is no reference to the principles on which the vote is to be granted; there is no limitation whatever to the Government; but it is simply this, — "For public education, 30,000*l*." We, on this side, have been taxed with having suspicions of the Government. Are there not grounds for suspicion in these two discordant votes? With all the respect which I am bound to show to the members of her Majesty's Government, I must say that I am justified in taking every means which are in my power of protecting my own views. When I consider the history of this question, — although I hear, now, that the money is to be applied on principles analogous to those on which the grants have been formerly applied, — I cannot yield my assent to this vote, either constitutionally, or with reference to my own convictions. I believe there is a studied reserve, in this matter, on the part of the Government. I have observed it in each successive speaker; and I firmly believe, as stated by an Honourable Gentleman behind me, as well as from different quarters of the House, that the intention of the vote this night is, — to pave the way for the plan originally proposed; and I believe that the committee, so far from abandoning that plan, are prepared to carry it into operation as soon as a favourable opportunity shall offer. We have been taxed with wishing to reject all votes for education. It has been imputed to us, that, in opposing this vote, we are prepared to abandon that to which we have virtually assented formerly. This I most positively deny. Let the Government come down to the House with a vote stating its object, as hitherto they have done, — and so far from finding me its opponent, I shall be as ready as the Ho- Honourable and Learned Member for Tipperary to give it my support. But, by the mode her Majesty's Government has, in this instance, thought fit to pursue, there is no other course open to me but a resistance to the vote now proposed. The Honourable and Learned Member must know that, in a Committee of Supply, it is not for Honourable Members to alter the appropriation of the conditions upon which a grant to the Crown is made by the House. It is for the Crown, by its Ministers, to propose a grant, and it is for the House to exercise a discretion only as to whether the amount of that grant can be approved, or not. In this instance, the amount of the grant is nothing; but the principle is everything. To that principle there is no mode of objecting but by a resistance to the vote, — a resistance which, I beg to say, does not prejudice the question of a grant for public education; for the Government might bring forward a vote, as formerly, on the next Supply day. Under these circumstances, I hope Honourable Members opposite will not, now, say that we, on this side of the House, are acting inconsistently with the course formerly pursued, or that we have any unwillingness to concur in that assistance to education which, for many years, has been granted, with the unanimous concurrence of both sides.

My Honourable and Learned Friend, the Member for Liverpool, has alluded to another objection to this vote, which I think well worthy the serious consideration of the House, although it has been adverted to by the Honourable Member for Northampton, as being wholly untenable. My Honourable and Learned Friend has properly said that the committee is not in such a situation to express an opinion upon the details of the scheme as it would have been if the Government had introduced a Bill for national education. If that had been the case, it would have been open to every individual Member to state his sentiments upon the plan; and still more, it would have afforded the other House of Parliament an opportunity, also, of expressing an opinion upon it. The Government, however, have thought that a different mode of proceeding suited them

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best, and, following the advice of the society from whose Report my Honourable and Learned Friend (Mr. Cresswell) has read an extract, they have brought the question to a simple "ay" or "no" on the vote of the House of Commons, alone. Now I must say, that this method of proceeding is likely to be productive of serious consequences in reference to the conducting of the business of this House. I know, as well as the Honourable Member for Northampton, that the right of granting supplies belongs exclusively to this House, and that this House will not permit the other House of Parliament to meddle with its privilege in that respect; but I also know that the constitution gives to the other House the right to negative or affirm any vote of this House when submitted to them by a Bill; and formerly it would have had the power to negative or affirm this vote. But the House of Peers has excluded itself from that power, inasmuch as, not many years ago, they concurred in inserting a clause in the Ways and Means Bill—a general permission to the Government to issue the money voted by this House, without waiting for the Appropriation Bill. That proceeding has been productive of great utility to the public service, for it enables the Government to apply the money voted without the necessity of a separate Appropriation Bill. But if this House, by means of a pecuniary Bill, should deprive the other House of the opportunity of the expression of its opinion upon the question mainly at issue, I can tell the Honourable Member for Northampton that he must not be surprised if, in vindication of their own privileges, they refuse hereafter to concur in that clause which is inserted, at the commencement of every Session, in the Ways and Means Bill, and revert to the former practice under which money voted could only be used in the mode and for the purposes which are defined in the Act of Parliament. Here, in this instance, no man can doubt that the money is not the main object, but that, in fact, that is only an accessory to the question — a question to which my proposition most strongly applies; for, as the clergy of the country are not represented in this House, it is, of all questions, that which ought to come under the careful consideration of the other House of Parliament, in which the clergy may express an opinion on a matter so deeply affecting not only the political, but the moral and religious, feelings of those who are placed under their charge.

The speech of the Honourable and Learned Gentleman opposite leaves me in doubt as to the course the Honourable and Learned Gentleman would recommend; for, in adverting to the case of Scotland, the Honourable and Learned Member denounced, as monstrous, the proposition that the Roman Catholic rule should be applied there; but when he turned to England, he called upon the House to take pity on the wretched Roman Catholic children in Manchester and other places. Does the Honourable and Learned Member mean, that that which is good for the one country is not good for the other, and that the Government should act in England differently from the mode in which it would act in Scotland? or does he mean that there should be such a united system of education in both countries, that the children of the Roman Catholic population might associate with children of other persuasions; and that, avoiding in their instructions all peculiarities of doctrine, each child should be left to find its own way to the truths of religion? If that be the view of the Honourable Gentleman, then he adheres to the minute of the month of April, which contains the basis of that description of education which it is the object of the Government to promote; and if that be the Honourable Gentleman's feeling, I do not believe he would find, on the part of the members of the Church of England, any readiness — nay, he would find every possible unwillingness — to enter into those schools where such a system of education was practised. I say that, if the schools were accessible to the teachers of every description of faith, — if every version of the Scriptures were admitted into them, — the Honourable Member would as effectually exclude from those schools the children of the members of the established church, as he would, in Scotland, exclude the children of Roman Catholics. Is, then, the House prepared to adopt a system which must exclude the children of the Church of England? Is that the Honourable Member's view of toleration? I tell the Honourable Member, that such would be the result; for I, for one, — and I know the great majority of the people entertain the same feeling, — will never submit that the children of the Church of England should be sent to schools merely to receive secular and general religious instruction — to schools from which instruction in the peculiar doctrines of the Church of England is excluded. I firmly believe, from experience, that unless the foundation of education be laid upon the doctrines of the Gospel, the character of the poor and ignorant cannot be improved. The Honourable and Learned Gentleman has asked why it is desired that in the Board of Education there should be some

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bishop of the church? and has inquired whether the bishop, in that case, would not be bound to enforce his own religious doctrines, and to take care that those doctrines should not be interfered with? I ask the Honourable and Learned Gentleman what distinction can he draw between the doctrines professed by a bishop and those professed by a member of the Church of England? If the Honourable and Learned Gentleman's argument on that point be good for anything, it is this, — that the Government has selected four individuals to form a Board of Education, who are so careless of the doctrines of the church — so regardless of their own faith — so lax in their views of religion — that they would permit the Honourable and Learned Gentleman to introduce into the schools some general system of education that omitted instruction in the peculiar doctrines of the church to which they belonged. If I wanted an argument to induce me to complain of a proposal for confiding to a board of laymen the superintendence of education, it would be the belief that the Honourable and Learned Gentleman, the patron of the plan, expresses as to its results. Is there no fear from the admission of opposing sects into a common school of instruction? In Austria, is there so little apprehension exhibited, as to cause them to take no care as to the admission of opposing sects? Will the Honourable and Learned Member turn to Sardinia and the Papal states, where the securities are the greatest, and the danger, consequently, less? — will he turn to those countries, and say that they do not exhibit a fear which even their confidence in the justice of their faith cannot dispel? No; and therefore I desire to protect, in the same way, the children of the established church in instruction in the doctrines of that church. The Honourable and Learned Gentleman has also thought proper to advert to the observations which fell, on a former evening, from my Noble Friend the Member for Dorsetshire; and the Honourable and Learned Gentleman has told the House that the natural tendency of differences in religion is to convert a man, otherwise humane and beneficent, into one devoid of feeling and kindness; and the Honourable and Learned Gentleman selected my Noble Friend (Lord Ashley) as an exemplification. I entirely concur in, and wish I could as eloquently express, the praises lavished on my Noble Friend by the Honourable and Learned Gentleman for his exertions on behalf of the children engaged in factory labour. I admire the consistency and earnestness with which my Noble Friend has endeavoured to protect them from oppression, and I equally admire the anxious regard my Noble Friend has shown for the morality of those very children.

[Loud cries of "Divide, divide!" and, "Hear, hear!"]

I have no disposition to interfere with the desired termination of the debate; but I am anxious, on my own part, to state, in a very few words, the grounds on which I object to this vote. I object to it, because I think the scheme proposed will make it impossible for the members of the church to avail themselves of it — that, in short, it amounts to an exclusion of them from the national schools; and therefore, so far from being consistent with the principles of toleration, it directly forms a restriction upon the established church. The Honourable and Learned Gentleman has intimated that the opponents of this plan are raising the cry of "No Popery!" I must tell the Honourable and Learned Gentleman, that if the Government establish a system, the effect of which will be to exclude the children of religious members of the established church from the advantages of national education, they will raise a cry of "No Popery" on the part of that, the only class excluded, — they will create a feeling in the country that the system is a departure from every principle which ought to direct education, and that, therefore, there is danger to the church establishment.

[Loud cries of "Divide!"]

LORD J. RUSSELL. — I have no wish, now, to enter into the general part of the discussion; but one or two questions have been put by the Honourable and Learned Member for Liverpool (Mr. Cresswell), and the Right Honourable Gentleman who has just sat down, which, though I am astonished that they should have been so propounded, I think I am bound to give some explanation upon. The Honourable and Learned Member for Liverpool, in stating his wonder at the course which has been taken by the Government, doubted, extremely, whether the Government had given up the plan contained in the minute of April, or still adhered to it; and whether, if this vote were to be passed, they would not act on that minute. Now, if the Honourable and Learned Gentleman wishes to know the intention of the Government, he would have done better had he consulted the Report of the Committee of Privy Council of the 3d of June, rather than the extract he has read

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from the Report of the Central Society of Education, which he seems to think a great authority on this subject. The fact is, that, in the minute of the 3d of June, the purposes to which this vote is to be applied are expressly stated; and I will take the liberty of reading that part of it, which sets forth exactly what the application of the money shall be. The Report says,—

The Lords of the committee recommend that the sum of 10,000*l.* granted by Parliament in 1835 towards the erection of normal or model schools, be given in equal proportions to the National Society and the British and Foreign School Society. That the remainder of the subsequent grants of the years 1837 and 1838, yet unappropriated, and any grant which may be voted in the present year, be chiefly applied in aid of subscriptions for building, and, in particular cases, for the support of, schools connected with those societies; but that the rule hitherto adopted of making a grant to those places where the largest proportion is subscribed, be not invariably adhered to, should application be made from very poor and populous districts, where subscriptions to a sufficient amount cannot be obtained.

[Cries of "Read on!"]

Well, I will read on.

The committee do not feel themselves precluded from making grants in particular cases, which shall appear to them to call for the aid of Government, although the applications may not come from either of the two mentioned societies.

[Cries of "Hear, hear!" from the Opposition benches.]

I think this statement is sufficiently clear; the general object of the application of this money will be, in aid of the erection of schools, supported by the National and the British and Foreign School Societies; but the committee conceived there might be cases of certain schools not in connection with either of those societies, to which, however, some of the money might be granted in aid. The great bulk of the sums here granted will be given in aid of these societies: but some small portion, it was thought, might be otherwise applied; and the committee felt that they would not be doing justice to the whole community, if they had said, "We will exclude any school which shall not prove itself to be in connection with one or other of those societies." For instance, it might be, that a manufacturer might desire to have a school connected with his factory, which might be on an extensive scale, and in which some hundreds of children might be employed; and such a party might properly ask some aid from the Committee of Privy Council, though the school would not be connected with either of the two societies which have been named. But then I may be asked, whether the committee would not think themselves justified in proceeding with the plan of the month of April, if they conceived, at any time, that there was a general concurrence in favour of it? I should say it was quite obvious, that this sum of money being granted in the terms of the Report, such a course might be in their power; but it would not come within the scope of the vote, to make any such appropriation. The Right Honourable Gentleman has said that the money so granted is strictly limited by the minute.

Mr. GOULBURN. — By vote of the House.

LORD JOHN RUSSELL. — I will come to that. It was granted by vote of the House; and so stringent were the conditions, that it could not be misapplied. Now this is the vote of last year,—"That a sum not exceeding 20,000*l.* be granted to her Majesty, to provide for the erection of school-houses, in aid of private subscriptions, and for the inspection of those already erected." These were the two objects of the grant; — "to provide for the erection of school-houses, in aid of private subscriptions, and for the inspection of schools;" and if to these terms I were to add two words, — "to provide for the inspection of schools already established, and which may be established," —our present object would be gained. With regard to the former vote, though it does not contain the whole of what is to be in this Report of the Privy Council; still, if our taking the vote in the words in which it was taken last year will remove the objection of the Right Honourable Gentleman, he shall have these words, instead of those now proposed; — so little do I take this matter to be fettered by the terms of this vote. Then, with respect to the minute of April the 10th, as to the normal schools, I have been often asked, whether I did think that the committee agreed to all the provisions under which that grant was proposed to be applied? Now the Report is this: —

The committee are of opinion that the most useful application of any sums voted by Parliament would consist in the employment of those moneys in the establishment of normal schools, under the direction of the state, and not placed under the management of a voluntary society.

They do not pledge themselves to any rules; therefore it would be competent

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to the Privy Council, in future years, to provide rules other than those now laid before the House. There is only one other question which has been asked me, and which I thought I had answered the other night. It is, with regard to the nature of the inspection to be adopted in the schools; it being supposed that it would interfere with the religious instruction. I do not conceive that it would at all interfere with, or at all oppose, the religious instruction in the schools, whether under the National or the British and Foreign Society's system; for their plans, rules, and regulations would remain precisely as they now are. I certainly conceived that, with respect to the National Society, if this vote should pass, I should be bound to conform to the rules laid down with respect to any sum granted to that Society. I have been obliged to refer again to the Report, because, although there have been many representations and arguments as to what should be done, I have observed that all Honourable Gentlemen have been cautious to avoid entering upon any minute discussion of the plan before the House.

The committee then divided: — Ayes 275; Noes 278; — Majority for the resolution 2.

AYES.

Abercromby, Hon. G. R.
Adam, Admiral
Aglionby, H. A.
Ainsworth, P.
Alcock, T.
Alston, R.
Andover, Lord Visct.
Anson, Hon. Colonel
Archbold, R.
Attwood, T. (Birm.)
Bainbridge, E. T.
Baines, E.
Bannerman, A.
Baring, F. T.
Barnard, E. G.
Barron, H. W.
Barry, G. S.
Beamish, F. B.
Bellew, R. M.
Berkeley, Hon. H.
Berkeley, Hon. C.
Bewes, T.
Blackett, C.
Blake, M. J.
Blake, W. J.
Blunt, Sir C.
Bodkin, J. J.
Bowes, J.
Brabazon, Lord
Brabazon, Sir W.
Bridgeman, H.
Briscoe, J. I.
Brocklehurst, J.
Brotherton, J.
Browne, R. D.
Bryan, G.
Buller, C.
Bulwer, Sir L.
Busfeild, W.
Butler, Hon. Colonel
Byng, G.
Byng, Rt. Hon. G. S.
Callaghan, D.
Campbell, Sir J.
Cavendish, Hon. C.
Cavendish, Hon. G. H.
Cayley, E. S.
Chapman, Sir M. L. C.
Chester, H.
Chetwynd, Major
Chichester, J. P. B.
Childers, J. W.
Clay, W.
Clayton, Sir W. R.
Clements, Lord Visct.
Clive E. B.
Codrington, Admiral
Collier, J.
Collins, W.
Cowper, Hon. W. F.
Craig, W. G.
Crawford, W.
Crawley, S.
Crompton, Sir S.
Currie, R.
Curry, Mr. Serjeant
Dalmeny, Lord
Dashwood, G. H.
Davies, Colonel
Denison, W. J.
Dennistoun, J.
D'Eyncourt, Rt. Hon. C. T.
Divett, E.
Donkin, Sir R. S.
Duff, J.
Duke, Sir J.
Duncombe, T.
Dundas, C. W. D.
Dundas, F.
Dundas, Hon. J. C.
Easthope, J.
Elliot, Hon. J. E.
Ellice, Rt. Hon. E.
Ellice, E.
Ellis, W.
Erle, W.
Etwall, R.
Evans, G.
Evans, W.
Ewart, W.
Fazakerley, J. N.
Fenton, J.
Ferguson, Sir R. A.
Ferguson, R.
Finch, F.
Fitzgibbon, Hon. Col.
Fitzpatrick, J. W.
Fitzroy, Lord C.
Fleetwood, Sir P. H.
French, F.
Gibson, T. M.
Gillon, W. D.
Gordon, R.
Grattan, J.
Grattan, H.
Greenaway, C.
Grey, Rt. Hon. Sir C.
Grey, Rt. Hon. Sir G.
Grosvenor, Lord R.
Grote, G.
Guest, Sir J.
Hall, Sir B.
Harland, W.
Harvey, D. W.
Hastie, A.
Hawes, B.
Hawkins, J. H.
Hayter, W. G.
Heathcoat, J.
Hector, C. J.
Heneage, E.
Heron, Sir R.
Hill, Lord A. M. C.
Hindley, C.
Hobhouse, Right Hon. Sir J.
Hobhouse, T. B.
Hodges, T. L.
Hollond, R.
Horsman, E.
Hoskins, K.
Howard, F. J.
Howard, P. H.
Howick, Lord Visct.
Hume, J.
Humphery, J.
Hurst, R. H.
Hutt, W.
Hutton, R.
James, W.
Jervis, J.
Johnson, General
Labouchere, Rt. Hon. H.
Lambton, H.
Langdale, Hon. C.
Langton, W. G.
Leader, J. T.
Lemon, Sir C.
Leveson, Lord
Lister, E.
Loch, J.
Lushington, C.
Lushington, Rt. Hon. Sir S.
Macaulay, T. B.
Macleod, R.
M'Taggart, J.
Marshall, W.
Marsland, H.
Martin, J.
Martin, T. B.
Maule, Hon. F.
Malgund, Lord Visct.
Mildmay, P. St. John
Milton, Lord Visct.
Morpeth, Lord Visct.
Morris, D.
Murray, A.
Muskett, G. A.
Nagle, Sir R.
Norreys, Sir D. J.
O'Brien, W. S.
O'Callaghan, Hon. C.
O'Connell, D.
O'Connell, John
O'Connell, M. J.
O'Connell, Maurice
O'Conor Don
O'Ferrall, R. M.
Ord, W.
Paget, F.
Palmer, C. F.
Palmerston, Ld. Visct.
Parker, J.
Parnell, Rt. Hon. Sir H.
Parrott, J.
Pattison, J.
Pechell, Captain
Pendarves, E. W. W.
Philipps, Sir R.
Philips, M.
Philips, G. R.
Phillpotts, J.
Pigot, D. R.
Pinney, W.
Ponsonby, Hon. J.
Power, James
Price, Sir R.
Pryme, G.
Ramsbottom, J.
Redington, T. N.
Rice, E. R.
Rice, Rt. Hon. T. S.
Rich, H.
Roche, E. D.
Roche, W.
Roche, Sir D.
Rolfe, Sir R. M.
Rumbold, C. E.
Rundle, J.
Russell, Lord J.
Russell, Lord
Russell, Lord C.
Rutherfurd, Rt. Hn. A.
Salwey, Colonel
Sanford, E. A.
Scholefield, J.
Scrope, G. P.
Seale, Sir J. H.
Seymour, Lord

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Sheil, R. L.
Shelborne, Earl of
Slaney, R. A.
Smith, B.
Smith, G. R. H.
Smith, R. V.
Somers, J. P.
Somerville, Sir W. M.
Spencer, Hon. F.
Standish, C.
Stanley, M.
Stanley, Hon. W. O.
Stansfield, W. R. C.
Staunton, Sir G. T.
Stuart, Lord J.
Stuart, W. V.
Stock, Dr.
Strangways, Hon. J.
Strickland, Sir G.
Strutt, E.
Style, Sir C.
Talbot, C. R. M.
Talfourd, Mr. Serjeant
Tancred, H. W.
Thomson, Right Hon. C. P.
Thornely, T.
Townley, R. G.
Troubridge, Sir E. T.
Turner, E.
Verney, Sir H.
Vigors, N. A.
Villiers, Hon. C. P.
Vivian, Major C.
Vivian, J. H.
Vivian, Right Hon. Sir R. H.
Wakley, T.
Walker, R.
Wallace, R.
Warburton, H.
Ward, H. G.
Westenra, Hon. H. R.
Westenra, Hon. J. C.
White, A.
White, H.
White, S.
Wilbraham, G.
Williams, W. (Cov.)
Williams, W. A.
Wilshere, W.
Winnington, T. E.
Winnington, H. J.
Wood, C.
Wood, Sir M.
Wood, G. W.
Worsley, Lord
Wyse, T.
Yates, J. A.

Tellers.
Stanley, E. J.
Steuart, R.

NOES.

Acland, Sir T. D.
Acland, T. D.
A'Court, Captain
Adare, Lord Visct.
Alford, Lord Visct.
Alsager, Captain
Arbuthnott, Hon. H.
Archdall, M.
Ashley, Lord
Attwood, M.
Bagge, W.
Bailey, J.
Baillie, Colonel
Baker, E.
Baring, Hon. F.
Baring, Hon. W. B.
Barrington, Lord Visct.
Bateson, Sir R.
Bell, M.
Bentinck, Lord G.
Bethell, R.
Blackstone, W. S.
Blair, J.
Blennerhassett, A.
Boldero, H. G.
Bradshaw, J.
Bramston, T. W.
Broadley, H.
Broadwood, H.
Brownrigg, S.
Bruce, Lord E.
Bruges, W. H. L.
Buck, L. W.
Buller, Sir J. Y.
Burr, H.
Burrell, Sir C.
Burroughes, H. N.
Calcraft, J. H.
Canning, Rt. Hn. Sir S.
Cantalupe, Lord Visct.
Castlereagh, Ld. Visct.
Chapman, A.
Christopher, R. A.
Chute, W. L. W.
Clerk, Sir G.
Clive, Hon. R. H.
Codrington, C. W.
Cole, Hon. A. H.
Cole, Lord Visct.
Colquhoun, J. C.
Compton, H. C.
Conolly, E.
Cooper, E. J.
Coote, Sir C. H.
Copeland, Alderman
Corry, Hon. H.
Courtenay, P.
Cresswell, C.
Cripps, J.
Dalrymple, Sir A.
Damer, Hon. D.
Darby, G.
Darlington, Earl of
De Horsey, S. H.
D'Israeli, B.
Dottin, A. R.
Douglas, Sir C. E.
Dowdeswell, W.
Duffield, T.
Dugdale, W. S.
Dunbar, G.
Duncombe, Hon. A.
Dungannon, Ld. Visct.
Du Pre, G.
East, J. B.
Eastnor, Lord Visct.
Eaton, R. J.
Egerton, W. T.
Egerton, Sir P.
Eliot, Lord
Ellis, J.
Estcourt, T. (Oxf. U.)
Estcourt, T. (Dev.)
Farnham, E. B.
Farrand, R.
Feilden, W.
Fielden, J.
Fector, J. M.
Fellowes, E.
Filmer, Sir E.
Fitzroy, Hon. H.
Fleming, J.
Foley, E. T.
Forester, Hon. G.
Fox, G. L.
Freshfield, J. W.
Gaskell, J. M.
Gladstone, W. E.
Glynne, Sir S. R.
Godson, H.
Gordon, Hon. Capt.
Gore, O. J. R.
Gore, O. W.
Goulburn, Rt. Hon. H.
Graham, Rt. Hon. Sir J.
Grant, F. W.
Greene, T.
Grimsditch, T.
Grimston, Lord Visct.
Grimston, Hon. E. H.
Hale, R. B.
Halford, H.
Harcourt, G. G.
Harcourt, G. S.
Hardinge, Right Hon. Sir H.
Hawkes, T.
Hayes, Sir E.
Heathcote, Sir W.
Heneage, G. W.
Henniker, Lord
Hepburn, Sir T. B.
Herbert, Hon. S.
Herries, Rt. Hn. J. C.
Hill, Sir R.
Hillsborough, Earl of
Hinde, J. H.
Hodgson, F.
Hodgson, R.
Hogg, J. W.
Holmes, Hon. W. A'C.
Holmes, W.
Hope, Hon. C.
Hope, H. T.
Hope, G. W.
Hotham, Lord
Houldsworth, T.
Houstoun, G.
Howard, Hon. W.
Hughes, W. B.
Hurt, F.
Ingestre, Lord Visct.
Ingham, R.
Inglis, Sir R. H.
Irton, S.
Irving, J.
Jackson, Mr. Serjeant
James, Sir W. C.
Jenkins, Sir R.
Jermyn, Earl
Jervis, S.
Jones, J.
Jones, Captain
Kelly, F.
Kemble, H.
Kinnaird, Hon. A. F.
Knatchbull, Rt. Hon. Sir E.
Knight, H. G.
Knightley, Sir C.
Knox, Hon. T.
Lascelles, Hon. W. S.
Law, Hon. C. E.
Lefroy, Rt. Hon. T.
Lennox, Lord A.
Liddell, Hon. H. T.
Lincoln, Earl of
Litton, E.
Lockhart, A. M.
Long, W.
Lowther, Hon. Colonel
Lowther, Lord Visct.
Lowther, J. H.
Lucas, E.
Lygon, Hon. General
Mackenzie, T.
Mackenzie, W. F.
Mackinnon, W. A.
Maclean, D.
Mahon, Lord Viscount
Maidstone, Lord Visct.
Manners, Lord C. S.
Marton, G.
Mathew, G. B.
Maunsell, T. P.
Meynell, Captain
Miles, W.
Miles, P. W. S.
Miller, W. H.
Milnes, R. M.
Moneypenny, T. G.
Mordaunt, Sir J.
Morgan, C. M. R.
Neeld, Joseph
Neeld, John
Nicholl, J.
Noel, Hon. W. M.
Norreys, Lord
Ossulston, Lord
Owen, Sir J.
Packe, C. W.
Pakington, J. S.
Palmer, R.
Parker, M.
Parker, R. T.
Parker, T. A. W.
Patten, J. W.
Peel, Rt. Hon. Sir R.
Peel, J.
Pemberton, T.
Perceval, Hon. G. J.
Pigot, R.
Planta, Rt. Hon. J.
Plumptre, J. P.
Polhill, F.
Pollock, Sir F.
Powerscourt, Lord Vt.
Praed, W. T.
Price, R.
Pringle, A.
Pusey, P.
Rae, Rt. Hon. Sir W.
Reid, Sir J. R.
Richards, R.
Rickford, W.
Rolleston, L.
Rose, Rt. Hn. Sir G.
Round, C. G.
Round, J.
Rushbrooke, Colonel
Rushout, G.
Sanderson, R.
Sandon, Lord Visct.
Scarlett, Hon. J. Y.
Shaw, Rt. Hon. F.
Sheppard, T.

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Shirley, E. J.	Villiers, Lord Visct.
Sibthorp, Colonel	Vivian, J. E.
Sinclair, Sir G.	Waddington, H. S.
Smith, A.	Walsh, Sir J.
Smyth, Sir G. H.	Welby, G. E.
Somerset, Lord G.	Whitmore, T. C.
Spry, Sir S. T.	Wilbraham, Hon. B.
Stanley, E.	Williams, R.
Stanley, Lord	Williams, T. P.
Stewart, John	Wilmot, Sir J. E.
Stormont, Lord Visct.	Wodehouse, E.
Sturt, H. C.	Wood, Colonel T.
Sugden, Right Hon. Sir E.	Wood, T.
Teignmouth, Lord	Wyndham, W.
Thomas, Colonel H.	Wynn, Rt. Hon. C. W.
Thompson, Alderman	Yorke, Hon. E. T.
Thornhill, G.	Young, J.
Trench, Sir F.	Young, Sir W.
Vere, Sir C. B.	
Verner, Colonel	*Tellers.*
Vernon, G. H.	Fremantle, Sir T.
	Baring, H.

House resumed; resolution to be reported on Thursday; committee to sit again on Wednesday.

SUPPLY.

Resolution reported: —

That a sum, not exceeding 70,000*l.*, be granted to her Majesty, to complete the sum necessary to defray the charge of civil contingencies, to the 31st day of March, 1840.

Resolution agreed to.

METROPOLIS POLICE BILL (ADVANCES OUT OF THE CONSOLIDATED FUND).

Resolutions reported: —

1. That, in aid of the charge of maintaining the metropolitan police, there shall be paid out of the Consolidated Fund of the United Kingdom of Great Britain and Ireland, an additional yearly sum, not exceeding the rate of two-pence in the pound upon the additional rental which may be assessed in any place which may hereafter become part of the metropolitan police district:

2. That an annual salary, not exceeding 1200*l.*, be paid out of the said Consolidated Fund to each of the Commissioners of Police appointed to execute the Act for improving the Police of the Metropolis:

3. That an annual sum, not exceeding 20,000*l.*, be paid out of the said Consolidated Fund towards defraying the charge of the metropolitan police force, on account of the horse patrol and the Thames police; and also such further sum as may be necessary for the payment of superannuation allowances to certain officers of the police.

Resolutions agreed to; instruction to the Committee on the Metropolis Police Bill, That they have power to make provision therein pursuant to the said resolutions.

SUPREME COURTS (SCOTLAND) BILL. — COPYHOLDS ENFRANCHISEMENT BILL.

Third readings deferred till Thursday.

FICTITIOUS VOTES (SCOTLAND) BILL. — REGISTRATION OF ELECTORS (SCOTLAND) BILL. — WRITS (SCOTLAND) BILL. — REGISTRATION OF LEASES (SCOTLAND) BILL.

Second readings deferred till Thursday.

EXCHEQUER OF PLEAS BILL.

Read a second time, and committed for Thursday.

BANKRUPTS (IRELAND) BILL.

Order for further consideration of Report read; Bill recommitted; considered in committee; to be reported this day.

WAYS AND MEANS. — COPYRIGHT BILL.

Committees severally deferred till Wednesday.

SHANNON NAVIGATION BILL.

Second reading deferred till Wednesday.

SUGAR DUTIES BILL.

Considered in committee; to be reported on Wednesday.

POOR LAW COMMISSION CONTINUANCE BILL. — COLLECTION OF RATES BILL.

Second readings severally deferred till Friday.

METROPOLITAN POLICE COURTS BILL.

Committee deferred till Friday.

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JOINT TENANTS VOTING (IRELAND) BILL.

Further consideration of Report deferred till Friday.

BOROUGH WATCH RATES BILL.

Report further considered; amendments agreed to; Bill to be read a third time this day.

CUSTODY OF INFANTS BILL.

Third reading deferred till this day.

BANKRUPTS' ESTATES (SCOTLAND) BILL.

Reported; to be read a second time to-morrow.

BOROUGH COURTS BILL.

Read a second time, and committed for Wednesday.

TIN DUTIES (CORNWALL).

In committee.

Resolved, — That there shall be paid a duty of one farthing in the pound sterling on the value of all tin and tin ore which shall be brought to sale in, or withdrawn from, any mine or stream-work in the county of Cornwall.

Resolution to be reported to-morrow.

PLEADINGS IN COURTS (INDIA).

Bill "to confirm certain Rules and Orders of the Supreme Courts of Judicature at Fort William and Madras, and to empower the same Courts, and the Supreme Court of Judicature of Bombay, to make Rules and Orders concerning Pleadings," ordered to be brought in by Sir John Hobhouse and Mr. Vernon Smith.

Bill subsequently presented, and read a first time; to be read a second time on Monday next, and to be printed.

PUBLIC OFFICES (DOWNING STREET).

On the question, "That a select committee be appointed to consider plans for certain public offices proposed to be erected in Downing Street," —

COLONEL SIBTHORP said: — It appears to me to be very late in the Session to appoint a select committee on any subject, — more especially for such a purpose as this. For my own part, I would rather see Downing Street contracted both in space and quality; for whenever I go there, I always think I am in a neighbourhood worse than St. Giles's. I suppose this committee will propose additional accommodation and luxuries for the members of her Majesty's Government. I think they have luxuries enough, and are far too well paid at the present moment. Very excellent men have been able to perform their duties in Downing Street, contracted and inconvenient as that locality is, and I do not see why the present Government should require better accommodation.

The motion was then agreed to; committee to be nominated to-morrow.

ECCLESIASTICAL DUTIES AND REVENUES BILL.

Mr. LAW. — I rise to ask the Noble Lord whether it is intended to proceed with the Ecclesiastical Revenues Bill during the present Session? I had understood that the intention was merely to propose the Bill, for the purpose of enabling Honourable Gentlemen to bring forward any suggestions they might wish to make. I have, myself, an important amendment to propose; but I should not think of drawing the attention of the House to my objections to the Bill, as it now stands, unless it were seriously intended to proceed with it. The Bill at present stands for Wednesday; and I think it would be very desirable if the Noble Lord would state whether or not he means to bring it forward on that day. I think it would be much better for the Bill to stand over for the present Session; and, in the mean time, I have no doubt that the deans and chapters will be enabled to devise a plan which will fully answer the purpose in view, and be free from the many objections to which the Government measure is open to. I am not authorised to make any such proposition; but I believe I speak correctly, when I say that the feeling of that body accords with my own on this subject.

LORD JOHN RUSSELL. — I cannot, now, state positively that the stage of

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the Bill which is fixed for Wednesday will be proceeded with on that day. I had, however, hoped that the Honourable and Learned Gentleman would have been prepared to announce his views on the subject, notwithstanding. As it is, I must reserve to myself the right of considering what course it may be best to pursue. If the Government determine to proceed with the Bill, I will take care that the Honourable and Learned Gentleman shall have timely notice.

PAPERS, &c.

Public Works (Ireland). — Act (1 and 2 Vic. c. 88.) read; committee thereupon on Wednesday.

Public Works (Ireland) Bill, — "To extend and amend the Provisions of the Acts for the Extension and Promotion of Public Works in Ireland, and for the Recovery of Public Moneys advanced for the use of Counties, Parishes, and other Districts in Ireland, on the Faith of Grand Jury Presentments and Parochial Assessments," presented, and read a first time; to be read a second time on Wednesday, and to be printed.

Slave Trade. — Further copies presented of correspondence relating to the slave trade (by command). — To lie on the table.

Prisoners for Trial. — Abstract of Return (presented the 3d of June) to be printed.

County Cess (Ireland). — Return (presented the 20th of June) to be printed.

Adjourned at half after twelve o'clock.

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HOUSE OF LORDS, MARTIS, 25° DIE JUNII, 1839.

APPEALS.

Shore *v.* Wilson. — Further heard (the judges being present), and adjourned to Thursday next; and the judges to attend.

Tennant and Company *v.* Hamilton (pauper). — Set down for hearing.

Bignold *v.* Springfield. — The Lord Chief Justice of the Court of Common Pleas delivered the unanimous opinion of the judges upon the question of law put to them on the 21st of February last; the further consideration of the cause adjourned *sinè die.*

Forbes *v.* Wilson. — Appeal presented, and respondent ordered to answer in four weeks; and a petition of the appellant to sue *in formâ pauperis* read, and ordered as prayed.

BOULTON'S ESTATE BILL.

Standing Orders Nos. 26. and 155. considered (according to order), and dispensed with, and Bill committed for Monday next.

RUSSELL'S ESTATE BILL.

Read a second time; and the Standing Orders Nos. 26. and 155. to be considered on Thursday next, in order to be dispensed with; and the Lords summoned.

MARQUESS OF CHOLMONDELEY'S ESTATE.

Judges report received, and Bill read a first time.

MARSHALL'S ESTATE BILL.

Reported, with amendments; and to be ingrossed.

BLUNT'S ESTATE BILL.

Report from the committee appointed to consider the Commons' amendments, That the amendments should be agreed to. — The amendments considered, and agreed to accordingly.

CAMOYS BARONY. — BRAYE BARONY.

Committee for Privileges to meet on Thursday next; and the judges to attend.

PATENT WHITE LEAD COMPANY.

A witness ordered to attend and produce certain documents.

MONKLAND AND KIRKINTILLOCH RAILWAY BILL.

Report from the Select Committee appointed for proposing Committees on Opposed Bills, That the following Lords be selected and proposed to the House to form the select committee for the consideration of the Bill; namely, —

The Earl of Scarborough,
The Earl of Hardwicke,
The Earl of Verulam,
The Lord Bayning,
The Lord Colborne.

Agreed to; and the said Lords appointed accordingly: the committee to meet on Thursday next, at eleven o'clock; and the petitions praying to be heard by counsel against, severally referred to the committee, with leave to be heard as desired, as also counsel for the Bill.

NORWICH TONNAGE BILL.

Read a third time, with the amendments; passed, and sent to the Commons.

CAMBER QUAYS (PORTSMOUTH) BILL.

Reported from the select committee, with an amendment.

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BALLOCHNEY RAILWAY BILL.

Reported, with amendments.

ESTABLISHED CHURCH (CANADA).

The BISHOP of LINCOLN presented petitions for the protection of, — of ministers, churchwardens, and others of Trostrey; Llanellen; Llanover; Latimer; and Bettws Newydd. — Read, and ordered to lie on the table.

EDUCATION (NATIONAL).

The BISHOP of EXETER presented petitions against the plan recommended by the Privy Council, — of the minister, gentry, householders, parents of children, and others, of Monkswood: and of inhabitants of Shire Newton; parish of St. James, Bath; Marldon; and Garston. — Read, and ordered to lie on the table.

SABBATH.

The BISHOP of EXETER presented a petition for the better observance of, — of inhabitants of Birr. — Read, and ordered to lie on the table.

CHURCH DISCIPLINE BILL.

The BISHOP of EXETER presented a petition against, — of clergy of the city of Chester. — Read, and referred to the select committee on the Bill.

MAYNOOTH COLLEGE.

The BISHOP of EXETER presented a petition against any further grant of money for the support of, — of inhabitants of Coleraine. — Read, and ordered to lie on the table.

CATHOLIC PRESENTATIONS.

The MARQUESS of WESTMEATH. — I beg to remind the Noble Viscount at the head of her Majesty's Government, that he promised to make inquiry respecting a certain living in Ireland, to which I alluded more particularly in a former case.

VISCOUNT MELBOURNE. — It appears to me that the circumstances of that case are such as can only be determined by a court of justice.

The MARQUESS of WESTMEATH. — I beg to assure the Noble Viscount that it is by no means such a common-place case as he imagines. It is distinguished from all others of the kind that ever occurred.

LORD PORTMAN. — I rise to order. I really would submit to the Noble Marquess, that it is not expedient to enter upon a case, now, which may afterwards come before your Lordships on appeal from a court below.

LORD COLBORNE. — I beg to move the Order of the Day.

The EARL of WICKLOW. — I think the Noble Lord is out of order. It is usual to take petitions before Orders of the Day.

LORD COLBORNE. — I understand that the High Sheriffs' Expenses Bill stands for second reading this evening.

The EARL of RADNOR. — Certainly; but there ought to be some regularity as regards your Lordships' proceedings. It is a uniform practice that petitions precede Orders of the Day. I have several petitions to present.

LORD BROUGHAM. — As to contending that Orders of the Day stand first, why, nobody ever heard of such a thing. To take Orders of the Day first, when your Lordships are summoned on a petition, would be an irregular proceeding indeed.

The MARQUESS of SALISBURY. — For my part, I think it is at the option of your Lordships to take either course.

POSTAGE.

On presenting petitions for reduction of the rate of, — of persons employed in the establishment of the harp manufactory of Mr. Erard, 10. Great Marlborough Street; William Bone, 3. Broadway, Ludgate Hill; carpet warehouse, Great Marlborough Street; Messrs. Baylis, Culley, and Co., printing ink makers, Old Montague Street, Whitechapel: bookbinders at 13. Leicester Street, Regent Street: Messrs. Day and Morris, coal merchants, at Pimlico: of druggists, proprietors, and others of 135. Lower Thames Street: of the principal and clerks at the class and chandelier establishment, New Bond Street: of persons frequenting the coffee shop of Anthony Batty, Richmond Street, Saint James's: of inhabitants of Fetter Lane, London; Golden Square, Saint James's; and Jersey (eighteen

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petitions): of residents in the metropolis (six petitions); and of persons signing, —

The EARL of RADNOR said: — I wish to take this opportunity of putting a question to my Noble Friend the Noble Viscount at the head of her Majesty's Ministers. Great anxiety prevails in the city of London, and the manufacturing districts, to know what are the plans of the Government with regard to postage. The resolutions to be proposed in the House of Commons not having been yet declared, and there having been no application for a Bill, the petitioners are afraid that the Government will not have the necessary powers to carry the plan into effect for some time, and that it may be deferred or another year and a half. Is this so?

VISCOUNT MELBOURNE. — Undoubtedly, it is the intention of the Government to carry into effect the plan referred to by my Noble Friend — considering how it has been recommended, the strong interest it has excited, and the benefits and advantages which unquestionably belong to it — with all practicable speed. My Noble Friend is perfectly aware that the introduction of this plan will make so great a change, that much preparation is absolutely necessary. I understand that my Right Honourable Friend the Chancellor of the Exchequer has, in another place, given notice that he will bring forward this question at no very distant day. The House, and also the public, will then be put in possession of the intentions of the Government on the subject — of the measures they purpose taking; — and I think it would be more convenient not to enter into any discussion at present. At the same time, I can state that the Government do mean to adopt measures in the present Session of Parliament, that will give them all power necessary for making the preparations required for carrying out this plan.

The EARL of RIPON. — I beg to ask whether it is understood that this alteration is to be contingent upon any loss of revenue that may be sustained, being made up from some other source? I understood that the Chancellor of the Exchequer had pledged himself in that contingency.

VISCOUNT MELBOURNE. — Most certainly.

Read, and ordered to lie on the table.

THE BALLOT.

EARL STANHOPE. — In conformity with the notice I have given to your Lordships, I rise to present certain petitions. The earliest in date was delivered to me last year, — however, in the exercise of the discretionary power confided to me, I have thought it better not to present it before. It is from the inhabitants of Stoke-upon-Trent and Bonsall, praying for universal suffrage, vote by ballot, and short Parliaments; besides the following prayer, in which I most cordially concur — for a repeal of the Poor Law Amendment Act; that the rights of the petitioners may be restored to expend their own money amongst their own poor; and that there may be an alteration in the law respecting illegitimate children. These petitioners conclude with a prayer which will, no doubt, be agreeable to some Noble Lords opposite, — namely, for the immediate emancipation of the negroes; and the relief of our Canadian fellow subjects. The next petition is from the ratepayers of the township of Almondbury, in the parish of Almondbury, in the West Riding of Yorkshire, praying for universal suffrage, vote by ballot, short Parliaments, and the abolition of all property qualifications for Members. The next is from the London Working Men's Association, with a similar prayer; but also praying, in addition, that the country may be divided into electoral districts, each containing a certain number of inhabitants. The next petition is one which I received only two or three days ago; it is from a person not altogether unknown, I believe, to your Lordships, — namely, John Joseph Stockdale, — praying for vote by ballot, under certain restrictions. The next petition which I have to present, though signed only by the chairman, was unanimously resolved on at a public meeting, consisting of 800,000 persons, in the parish of Manchester; and from the number of the persons who adopted it, and the prayer it contains, it ought to receive the attentive consideration of your Lordships. The chairman who presided at that meeting is a person for whom I entertain the greatest private friendship and regard, and who, from his patriotism and public spirit, is entitled to the admiration of his country, — I mean one of the Honourable Members for Oldham, Mr. John Fielden. The prayer of the petition is, that every male person unconvicted of crime shall have a right of voting for the election of Members to serve in Parliament; that such votes shall be taken by secret ballot; that no Parliament shall continue longer than for one year; that all property qualifications of Members shall be abolished; and that due remuneration shall be made to Members for their labour. I formerly told your Lordships that it was my firm conviction, that unless Parliament

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redressed the grievances of the country, the arguments for reform in Parliament would become unanswerable; and I need not observe to your Lordships that my anticipations have been since fully confirmed. I know that it has been said, on my side of the House, that the French revolution of July was the cause of English reform; but that appears to me to be only one more example of that common error of considering as cause and effect two matters that are wholly unconnected. We have not experienced in this country that infraction of constitutional rights which occasioned and justified the French revolution; but, on the other hand, the French have not suffered under the like grievous distress with which this country was afflicted in the course of the same year, and which was so forcibly and feelingly represented to Parliament in the numerous petitions laid on your Lordships' table in the course of that Session, many of which I had the honour to present. The real cause of that extensive English distress was most correctly stated by a person who had the sagacity to detect it, and the candour to avow it, — by one who was, and is still, a zealous Reformer, who had been, formerly, a Member of the Cabinet, and who declared that without Peel's Bill we never should have had reform. Undoubtedly, without the great and general discontent, which was engendered by the severe distress that naturally and necessarily resulted from that edict of confiscation (for it can be designated by no other name), this country would not have been prepared to receive, or disposed to allow, an experiment to be tried on the constitution, so extensive in its nature, and so perilous in its effects, as the Reform Act. Before the Reform Bill was proposed, and when a Reform Cabinet must have been considered as a most improbable, and almost impossible contingency, a petition was adopted at a great public meeting in Kent at which I presided, and afterwards presented to your Lordships, expressing a strong desire for reform in Parliament, provided it should be founded on proper principles, and prudently conducted. Such a reform would have been good; but the Reform Act which passed was not founded on true principles, and was carried by clamour and agitation. Had I not been impressed with the dangers of the country at the time, — had I not found that Parliament had refused to inquire into the cause of the grievances of the country, or into the remedies which they required, — had I not felt that the *salus populi* was the *suprema lex*, — I would not have voted for the Reform Act.

I was struck with a remark which recently fell from the Honourable Member for Birmingham (Mr. T. Attwood), at a public meeting. He said, "I am considered a man of extreme opinions. I admit that I am so; but I have become so in consequence of the events of the last twenty years. I should not have held these extreme opinions if Pitt had lived, — for he preserved the country, and would have continued to preserve it; but when he died, there was no man left to fight its battles." Although, for the reasons I have stated, I voted for the second reading of the Reform Bill, yet by admitting its principle I did not consider myself pledged to its details. It was my intention to have proposed certain resolutions in the committee; but when the Bill was read a second time, and when a Noble and Learned Lord, not now in his place, suggested some not very important alterations in the committee, what was the result? Why, it was intimated, that if any change were to be made in the Bill, such a number of Peers would be created as would be sufficient to carry it in its original form; and thus the independence of the House of Lords would have been swamped. That was a threat which, in days of constitutional purity, would have been followed by the impeachment of the Minister who should have given such advice to his Sovereign. Yet, even if such a threat had been acted upon, and the new Peers had been created, I believe that the Peers would still have been able to assert their independence; for, though the prerogative of the Crown to create Peers would have been admitted, yet, if a number had been thus created for political purposes, I am of opinion that the Peers already existing would have been justified in refusing to sit with them. I say this, lest the suggested example should be followed by any future Minister. I was in the House when it was proposed to postpone the consideration of schedule A, and I saw no ground for postponing it; but when I heard of the threat to which I allude, I did not vote at all, because I could not support those from whom that threat came.

Let me now call the attention of your Lordships to the resolutions of Mr. Pitt in 1782. They had for their object the prevention of bribery and corruption, and the lessening the expenses of elections; but, since then, bribery has increased tenfold. Can your Lordships, then, be surprised that the call for the Ballot has become general throughout the country? Can your Lordships doubt that there are many in the country who possess abilities, and integrity, and patriotism, which would render their services of the utmost

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importance to the state? Yet these men are kept away by the enormous expenses of the elections; and have no chance of coming into Parliament unless they attach themselves to some party, or come in in the train of some political leader. It is not my wish to speak to the disparagement of any one class; but I will not give to any one class a power, exclusively, which should be shared by all. The line drawn in the Reform Bill of a 10*l.* franchise is partial and arbitrary: it swamps the influence of all above that amount, and excludes that of all below it; and it creates discontent and dissatisfaction to all but the favoured class. It is perfectly clear that such a system of representation cannot possess that "finality" which its advocates thought it would have. When your Lordships consider what is the composition, what the character, and what the conduct of the House of Commons, can you be surprised that they have lost, or, rather, that they never have possessed, the confidence of the people, and that they should have now fallen into—I will not say merited—contempt? If any one has any doubts of all this, let him call a meeting in any district thickly peopled by Whigs; and let him, with the aid of his satellites, try whether he can raise again the senseless cry of "The Bill, the whole Bill, and nothing but the Bill!"—and he will be disappointed. I am aware that many attempts have been made to extend the principle of the Reform Act; but any measure which would enable one class to swamp all above it would be bad, and would be only a stepping stone to universal suffrage. My opinion upon that question I will state in a very few words. I object to it on this ground,—that it would give to that class, which has the majority of numbers, a preponderating power, such as could not be possessed by any one class without great injury to the rest of the country; but if this power were possessed by that class, which comprises in its own ranks the physical force of the country, property would remain without that protection to which it is entitled. When some of the members of the National Convention for the labouring classes called upon me, I explained to them my views. I stated, frankly and freely, my objection to universal suffrage. I said, "These are my opinions, and I would not alter them if I were now standing beneath the gallows." I am opposed to universal suffrage, in the sense in which it is usually understood; yet no man would support more strongly than I would the right of the labouring class—and, indeed, of every other interest—to be represented in Parliament; but, in this, I do not mean more than that each interest should be fully represented, not collectively, but in classes, so that there would be no danger of one class being swallowed up or swamped by another. I would support any kind of reform which did not embrace this sort of principle. As to the Ballot, I fully agree in a remark which was made by the Noble Lord the Secretary for the Home Department, in an address to his constituents, that it "has no sense nor meaning whatever, except when attended with a great extension"—the Noble Lord might have added, the greatest possible extension—"of the franchise." Without this, it is liable to all the objections taken to it, by the Reverend Sidney Smith, which I will not now repeat. Another prayer of some of the petitioners is, that a property qualification of Members may be dispensed with. It is well known that of many these qualifications are fictitious. The payment of Members is in strict accordance with the ancient usage of the constitution; but I think it might be left optional with Members to refuse or accept it. As to annual Parliaments, I think the proposition is absurd. One effect of its establishment would be, that it would prevent legislative measures from being duly matured. But, though I disapprove of annual Parliaments, yet I am favourable to triennial ones, accompanied with some measure to render elections less expensive. No man, I repeat, is more anxious than I am for a full representation of all the labouring classes: they are a most meritorious body. It cannot be denied that labour, which is a species of property, has as full a right to be represented in Parliament as any capital, whether vested in land or in the funds. If a man has no rights derived from property, he has, yet, personal rights, which ought to be respected and represented. If I had had any doubts on this subject, they would have been removed by the Poor Law Amendment Act,—which is one of the most infamous laws that ever disgraced the statute book of any country, and which could not have been passed in any Parliament in which the labouring classes had been fairly represented. They have also been much injured by free trade. The sorrows of the labouring classes would have secured the sympathy of any House, in which they had been fully represented, and their welfare would have been the object of its unceasing solicitude.

Your Lordships, before I conclude, will allow me to entreat you to consider for a moment the present condition of the people,—to abstract your thoughts for a few moments, if you can, from the strife of parties, and from those considerations which,

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alone, insure attendance in this House,—and to contemplate the present condition and prospects of the country. I ask and entreat your Lordships calmly and dispassionately to consider what is the cause of that cry which has been raised in so many parts of the country for universal suffrage?—what are the causes of that existing agitation, which is unexampled in its extent and in the character which it has assumed, as well as in the consequences to which it may lead? Whence does it arise that, in various districts, and even in some of those which are purely agricultural, arms have been provided as if the country were actually preparing for civil war? And here I need scarcely, I think, assert, that I have always disapproved of such conduct,—considering it as most injurious to the cause which it is intended to advance. I consider the employment of arms, that *ultima ratio* which can lead only to one or other of most melancholy alternatives—either to universal anarchy, or most deplorable despotism. Nor do I believe that obtaining arms can add anything to the strength of those who are unaccustomed to their use. But we know that, when rage, resentment, and revenge inflame the minds of the people, *furor arma ministrat*. But "great is truth, and it will prevail;" and I cannot entertain any shadow of doubt that the persevering powerful exertion of moral force will, in a righteous cause, prove ultimately triumphant. No man can contemplate, without anxiety, and even without alarm, that state of things in which, according to the confession made by the Noble Viscount I see opposite (Viscount Melbourne), in many parts of the country the inhabitants believe that they have, even at present, no security for their property, nor for their lives. I have, with a sincere and anxious desire to acquire information on the subject, asked those who were best able to instruct me, and were cognizant of those proceedings, what were the causes that the people, in so many districts, had provided themselves with arms?—and the answer that I received was this: "That the first cause of the arming is the new poor law; the second cause is the desperate condition of the handloom weavers; the third cause is the disgraceful situation in which the factories continue; and the fourth cause (hardly to be considered as a subsequent cause, but as a corollary rather) is from the principles of the Government." May I remind your Lordships—(if any expression which falls from an humble individual—one entirely unconnected with any party—can deserve your attention)—of what I had the honour of stating to you two years ago, when I was induced, at the earnest desire, and by the express command, of great bodies of my fellow citizens, to resume my seat in this House, from which I had so long seceded, under a full conviction that any further exertions I might make, here, must be unsuccessful? I stated to your Lordships, that, "unless you repealed the new poor law, the infallible consequence must be, universal suffrage and a partition of government." I will not quote any Radical authority, which might have less weight here, probably, than it might deserve; I will quote the sentiments which are to be found in a work conducted with eminent ability, and in a high Church of England spirit—the *Church of England Quarterly Review*. In an article in that Review for January, last year, called "The Working of the New Poor Law," the author says,—

> Let our Whig rulers have a care. If existence is indeed to be made a burden to the poor, Bradford may have its barricades as well as Paris. There will be but one cry all over the country, which Heaven itself will echo back, for universal suffrage. This awful consequence, with all the ruin which it involves, we charge upon the New Poor Law Act.

And again, in the same page, the author says,—

> The heart that is withered by persecution obtains an awful emancipation from the ordinary restraints of human action; and when one half of the population is rendered liable to that extremity, what is to be expected but that the physical energies, inadequate to lay by a subsistence for old age, will in the prime of life take a destructive direction? Every drop of blood that will be shed we charge upon the New Poor Law.

I see, alas! too much reason to expect that at a future and no distant period a Radical Reformer—perhaps some Chartist—will exclaim, with joy and exultation, quoting the expressions of some former Cabinet Minister to whom I have referred—"Without the New Poor Law we never should have had universal suffrage." And here I would entreat your Lordships, by way of judging fairly and justly, to consider and imagine for an instant, that, instead of being placed in the elevated and independent situation in which you now are, every one of you might, without any fault of his own, be subjected to the operation of this most odious Act. Let your Lordships suppose yourselves assembled and listening to a person who had addressed you on universal suffrage. Would you not say to yourselves—"We are not represented in Parliament; and Parliament, therefore, had

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no lawful authority whatever to pass a law so deeply affecting our interests and our rights. We have been reviled and calumniated; we have been stigmatised as indolent, as worthless, as living on the support of others, instead of by our own industry; and we have not had opportunity and advantage, of which no man should be deprived, of being heard in our own defence. Our natural rights — those rights of man which ought always to be held sacred — have been violated and trampled under foot. We have been sacrificed by what is called an Act of Parliament, and dispossessed of those rights which we claim under a positive statute, that has existed for more than two centuries. And now we are insultingly told that 'we may rely upon our own resources.' We have been consigned to the absolute, uncontrolled, irresponsible power of three dictators, whose arbitrary mandates, whose orders, have all the force and authority of law. Although our poverty has resulted from causes over which we have no control, our adversity is punished as crime. If we apply for relief, we are confined and separated from our wives and children, and removed to a distance from our families and our friends. The precepts of that religion which we all of us value, and of that book which we regard as the word of God, and which enforces more frequently and more forcibly the virtue of charity than any other, have been utterly disregarded. We are told, and truly told, that universal suffrage would be the cure of these evils (and such would certainly be the case); and shall we object to a cure so beneficial to ourselves, because the consequences may be that the Peers may lose their titles, and certain landed proprietors be injured?" If such an appeal as that were made by any advocate of universal suffrage to any handloom weavers, must not that appeal be attended with serious consequences? If an honest and industrious man, by the greatest exertion and toil, by all the skill and talents he possesses, is obliged to labour for a greater length of time than that to which human labour ought ever to be extended, and to which it can never be extended without injury to the labourer, — and if the remuneration for that toil is to be, as it is in many cases, quite insufficient, — is it natural to expect that he should be satisfied? Let your Lordships look at the factory system, — under which unnatural system, children, instead of being maintained by their parents, support their parents, and, ignorant and uninformed, know nothing of the charms of childhood, and become in youth disabled and prematurely diseased; and when we hear about the merits of the British constitution, and of the enlightened and patriotic Assembly which calls itself the House of Commons, let us recollect ——

The EARL of DEVON. — The Noble Earl will allow me to say that he is ——

EARL STANHOPE. — In order to make what I said with regard to the House of Commons, parliamentary and correct, I called it "enlightened and patriotic," perhaps ironically. I will call it unenlightened and unpatriotic; and let that be the correction of the Noble Earl. I will even suppose that no such Assembly exists, for I think it hardly deserves the taking notice of it. An Act which has been passed by an arbitrary Government of Spain for the protection of négro slavery is not so severe on the slaves as the Factory Act is on factory labourers. The labourers claim a fair day's wages for a fair day's work — a claim perfectly reasonable, and to which you must listen, except you are determined to produce scenes in this country to which I will not venture more particularly to allude. And here I will quote again, not a Radical authority, but the authority of a Right Honourable Friend whom I greatly revere, but who, so far from being a Radical, is, in common with myself, an old-fashioned Tory; — I mean my Right Honourable Friend, who, to the eternal disgrace — I do not say of the House of Commons — (the Noble Earl need not be under any apprehension) — but — of the electors of Leeds, was not elected to represent that place; — I mean Sir John Beckett. He said, in a speech delivered at Leeds, as I find it reported, —

I say that peace at home means contentment at home; and unless we can establish such a system of things as will afford men a fairer remuneration for their labour, and enable them to maintain themselves and their families in comfort, there can be no peace at home — there never will be peace at home — there never ought to be peace at home.

Such a fair and profitable employment as that of which Sir John Beckett spoks is impossible, so long as your Lordships persevere in a ruinous system of free trade, — so long as you persevere in the Currency Bill of 1819; and, let your Lordships do what you will, a very short time will probably elapse before you will be compelled to retrace your steps on that subject, except you are determined to doom this country to bankruptcy and to ruin. I conjure your Lordships to consider, as you ought to do, the state and condition of this country, and the spirit and feeling of the people. Let not your Lordships be deceived: a revolution of the most

tremendous and terrific nature, most destructive and desolating in its consequences, is now at the threshold of your doors:—even now, at the twelfth hour, you may be able to avert it. But I know that neither in nor out of Parliament, if that revolution were to break out, would any one be found able either to direct or to control the storm. Whatever may be the result, it will afford me sincere consolation, to the last hour of my life, to reflect that I have zealously, though imperfectly, endeavoured to discharge my duty; and that I have earnestly—though, I fear, most ineffectually—attempted to warn your Lordships of the perils by which this country is encompassed on all sides, and of those grievances which, if they be allowed to continue, menace your Lordships, all the institutions of the country, and even the monarchy itself, with destruction. I have now stated, at more length, probably, than your Lordships like,—as concisely, however, as was in my power to do,—some of the observations which appeared to me to be requisite on this occasion. I have passed most cursorily over many parts of my subject, because they deserve, and ought to receive, full and frequent investigation. Having stated thus much, I will now conclude,—reserving to myself, with the permission of your Lordships, the right and privilege of hereafter replying, if I shall find it requisite to do so, to any observations which may be made.

LORD BROUGHAM.—I am quite certain of one thing,—that, even if the Noble Earl, who has so elaborately supported the prayer of these petitions, had not entreated your Lordships' attention to them, your Lordships would have received them with that respect and consideration with which you are ever ready to greet the respectful prayers of your countrymen. The importance of the subject; the vast meeting at which one of these petitions was agreed to with a singular unanimity,—I mean the Manchester meeting, at which there were 300,000 persons present;—the marked assent given in other parts of the country to the proceedings at that meeting; the anxiety which prevails over all the manufacturing districts without any exception, but particularly in the North and in Scotland, on this subject; and the countless numbers who have signed other petitions elsewhere, presented precisely to the same effect, and proceeding on the same grounds; the yet greater number than have even signed these petitions, who there is reason to believe agree in their prayers;—these considerations, I am perfectly certain, would, even if my Noble Friend had not recommended the petition by his statements and arguments, have secured for the petitioners your Lordships' respectful attention. I may differ on some points from my Noble Friend, and I may have my doubts on others; but, upon the whole, I am disposed to agree with him. On one part of this subject I have no doubt whatever,—namely, the unrepresented state of the petitioners. But is that a consideration which disentitles them from being heard by your Lordships? No; it sets the seal to the charter which entitles them to be heard and to have their statements considered. These persons are unrepresented; and why? It was the mournful duty of the men who framed the Reform Bill in 1832,—a duty which was felt to be painful to those who helped to carry through the measure,—to provide that a line should necessarily be drawn somewhere; that line, though it might be liable to be called partial and arbitrary, as my Noble Friend has called it, it was yet felt must be drawn; and though it was both convenient and fitting to draw it where they did, still they felt it most distressing so to describe it, because they knew it must cut out, and leave unrepresented, the great bulk of the good people of these realms. They made, therefore, a property qualification, though they well knew that men who might have no title to the given amount of property, would still be intrinsically as well qualified to exercise a vote for the benefit of the state as the 10*l.* householder. I say for the benefit of the state, for that is what I look to: the franchise is given for the public good, not for private gain; it is not like a right of property; and it might very likely be exercised even better, by persons possessed of no property at all, but having certain mental and moral qualifications, than by many of those who, possessing a 10*l.* house, possess no other qualification. On the other hand, we felt, in framing the Reform Bill, the great evils of boundless meetings of electors, and of the expense thereby entailed upon the candidate.

There were, also, other views then propounded, from some of which I dissented, while I assented to others. It is not true that those who carried the Reform Bill stated that measure to be a final measure; it is not true that all the advocates of the Bill admitted its finality; it is the reverse of true that all the advocates of the Bill in 1831 and 1832 contended that such a measure was not to admit of any alteration. It has been asserted, however, that in the view of the Government of that day the measure was to be permanent and unalterable; and

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speeches made in your Lordships' House and elsewhere have been brought forward in support of the assertion. But this cannot, hereafter, be done; for this I say, — and thus solemnly, — that this is not true, that it is not consistent with truth so to state or affirm. I speak with a full recollection of what passed at the time; I speak with a full and accurate knowledge and recollection of the terms which one of the members of that Government then used. The individual was then humbled enough in mind, so that it mattered little to him whether or not the opinions he, at that time, put forth, passed, like other men's, into oblivion; the individual was humble enough in talent, humble enough in powers of usefulness, and might not possibly have had any title to claim attention, but for the high and dignified station in the councils of the Sovereign which he held — but for having had a hand in the Bill — but for having been one of those who succeeded in carrying it through — but for having held the most distinguished station in the Government at that time, however little may have been the talents he possessed; — from all these circumstances combined, I have a right to refer to what fell from that individual, in order to rebut — triumphantly to rebut — the new-fangled doctrine of finality. Finality! a barbarous word, which was unknown to the framers of the Reform Bill. I maintain that it is not true, but the contrary of truth, to say that the Government which propounded that measure, propounded it as one which was not afterwards to admit of extension. The Lord Chancellor, a member of the Cabinet, one of the framers of the Bill, — one of the debaters of it in this House, — one who is a little better acquainted with some parts of its history than my Noble Friend opposite, — distinctly stated, in the month of April, 1832, that he had no doubt some advance must be made at some future period beyond the principles laid down in this Bill; and he particularly stated, that before long, and so soon as the people became more enlightened as to their political rights, and better versed in the practice of them, he had no doubt it would become expedient, and he should not hesitate, — to extend the suffrage much lower — "much lower" was his phrase — than it was fixed at, by that measure. Therefore, they who say that the Government which carried the Reform Bill attributed finality to it, must, at least, admit that finality was not the doctrine of all the members of that Government. But, though to have put forth the doctrine of finality then, when reform was granted for the first time, and the people were so much less used to exercise the franchise, would have given much less offence than its promulgation at present does; yet, now, the doctrine appears to be, that the more the people become able to exercise, with propriety, the right of suffrage, the more sternly you must refuse to admit them to an extended suffrage. It has become the doctrine — or rather it did become the doctrine, a few weeks ago — of the Government, that the stone on which their existence rested was the determination to oppose all further constitutional reform. From that I dissented, in this House, a year and a half ago. I dissented from it, out of doors, at the great education meeting at Manchester, many of the attendants at which have signed the petition which has been presented by the Noble Earl: and I dissented from it once more; for, on finding that a Noble Friend of mine still continued to assert this doctrine in a pamphlet which he published, I thought fit to address to him my reply on the part of Reformers, and, as I considered, on the part of my colleagues, of 1832. I did this because I thought it possible that in this way I should be able to frame a bridge by which my Noble Friend might have crossed and passed back again, as it were, into the same ranks as I understood my colleagues of 1832 to belong to; and I was the more anxious and earnest to effect this, because, of all parliamentary Reformers, I know none more stout, naturally and by acquirement, than the Noble person — to whom I allude — had proved himself to be in all matters and on all questions relating to the subject. What I hardly ventured to hope — the dream — the vision, which in my waking hours I scarcely expected to see realised — came to be, if not actually verified, at least upon the very verge of verification. Whether, from the force of the arguments contained in my letter, or from the timidity of those who maintained opposite opinions, or from whatever other cause, — the result was, or seemed to be, that my blissful vision was realised, and the doctrine of finality abandoned; because I found that the Ballot, which heretofore had been described and treated as one of the most ticklish, offensive, and repulsive questions that could be urged upon the Government, was to be made an open question. Great was the joy of the friends of the Ballot upon hearing that this was to be the case. Great was my exultation, — thinking that I, as an individual, had contributed to this happy revolution; mighty, indeed, was the rejoicing of the friends of further reform out of doors, — thinking that, after all, the Ministers were more real Reformers than they had been supposed to be; confident were

the expectations that the Ballot, whose supporters in the House of Commons year after year continued to increase, would now speedily be adopted, seeing that the resistance of the Government to it was to be discontinued.

Such were the visions that passed before men's eyes, though but for a short time; for they were as fleeting as they were pleasing, — or, rather, they were still more fleeting than pleasing; for, then, there came out, almost immediately, that which certainly did astonish, did astound, did petrify, did turn into tears of sadness the tears of joy which Reformers were shedding, when it was found that the Ballot was made an open question, for the express purpose of defeating it. We, poor innocent men — we, good, ignorant, plain folk — had all along imagined, in our dream of statesmanship — in our vision of cabinetship — in our hazy view of ministerial management (knowing nothing of the new arts and sciences of statesmen), — we had all along the folly — the ridiculous absurd folly — to believe that if thirty or forty men were told that they might vote for the Ballot, if they chose, — the probability of the ultimate carrying of the question would be increased. What could beguile us into such an utter oblivion of all the dictates of common sense, — all the rules of common arithmetic, — as to dream that, for the purpose of evincing the growing popularity of a measure, and the probability of its being ultimately carried, the minority who supported it should be very great instead of very small! What must have been the infatuated ignorance which rendered us blind to the obvious truth, that after the advantage of being in a minority of 5 on one day, the next best thing was to be in a minority of 2! We were even so besotted, in our ignorance of statesmanship and state craft, as to believe that, if the minority could be changed into a majority, it would be so much the better for the measure. But the Government immediately set us straight upon the point. "Oh!" said they, "do not talk of a majority; it is the worst thing in the world; — it is a minority that is the thing; — we have the confidence of the country with us; we are as permanent as ever — if not in our places, at least in our policy and in our doctrines; and as for the Ballot, why, above all things, we abhor the Ballot; and, because we abhor the Ballot, and cannot bear the idea of its exercising its baneful influence over the minds of the people, we have issued notice to all the people in office that they have leave to vote for the Ballot, — and we do this because we know that if we continue to resist the Ballot, it will inevitably be carried." That was the doctrine which the Government broached. If they agreed to come into this doctrine, in order that finality should be declared to be given up, while, in reality, it was to be clung to more than ever, — then, I say, this is a line of conduct which seems to me too subtle, and one which does not savour of plain, straightforward dealing; — and I cannot but think that those who leave the question open, ostensibly for the purpose of advancing it, but really with other intentions, will find themselves, in the event, strangled by the fondling of the sincere advocates of it; they will find that the very mode they take, of professing their affection — their very Iscariot embrace itself — will prove the reason why, in a short time, perhaps even within a few days, they may be put out of the position to give such an Iscariot embrace a second time. In fact, I have been a little uneasy lest this may not be the last act of "finality" for which I and those who think with me may have to thank the Government; for I hold it not impossible, that before many weeks, or even many days, are over, I may have to thank them not only for something which may leave a man in doubt whether it be meant ill or well, but also for something, or some step, of a more beneficial character.

But, leaving this part of the subject, I will come to the question of the extension of suffrage. I think, then, that all should have the right to vote who possess such qualities as would enable them to exercise the right creditably to themselves, beneficially to the state, and usefully to the proper constitution of the Commons House of Parliament. I care not if the franchise be taken away from others who now enjoy it, provided you extend the right in the directions I have indicated; for instance, I would not object to taking it away from some of the freemen, and from some of the 10*l.* householders who have shown themselves not qualified to exercise it. I am persuaded that those who lead a creditable, industrious life, and are intelligent and well-informed, are qualified to exercise the right, and that such persons would exercise it as a public trust in a manner creditable to themselves, beneficially to the state, and usefully as regards the constitution of the House of Commons. This is my opinion as to the extension of the franchise; but, as for giving the Ballot, if not accompanied by an extended suffrage of this kind, — what is it but to vest those who cannot be entitled to vote at all, except they vote in the eye of their fellow citizens, with an unlimited power in the

direction of Government? At present, therefore, the represented man — the man who votes — discharges a public duty in the exercise of a public trust. He cannot privately sell his vote for his own individual gain, — he cannot privately yield to the influence of those who domineer over him, — he cannot, behind the backs of the public (for whose benefit, rather than his own, he is intrusted with the franchise), abuse the suffrage which has been bestowed upon him; for public opinion is powerful over him — the unrepresented influence the represented; and, although not represented himself, the honest, respectable, and industrious journeyman exercises, indirectly, a most wholesome and beneficial influence over the constituency of the borough in which he lives, but in the representation of which he has no interest. Give the secret mode of voting, and this advantage would be lost. This is the ground on which I agree with my Noble Friend opposite in wishing for an extension of the suffrage. But the Ballot, without universal suffrage, I am convinced, would be injurious. With respect to the questions of the payment of Members of Parliament, and of the property qualification of Members, I shall offer, at present, no remarks, — holding that, in comparison with other classes of the wants of the petitioners, they are so insignificant as hardly to deserve notice.

As to the question of the continuance of Parliaments, I will not consent to take annual Parliaments; because, till some measure be found greatly diminishing the expenses of elections, I well know that, constituted as men are, annual Parliaments would wholly defeat the very object of instituting them; for that system would operate exclusively in favour of a long purse, — carrying, as a long purse always will, a long line of agents with it. The wealthy merchant, — the successful stock-jobber, — men who count their fortunes by the hundreds of thousands, and sometimes by the millions, even, — would be almost the only men who would get into Parliament as Members. In connection with this matter, I cannot but mention that I consider the present system of annual registration to be accompanied by certain drawbacks; for under it you have some of the evils of annual election, without its advantages. This I hold to be unquestionable. On the whole, a triennial election of Members appears to me to be that system which meets the greatest number of wishes, and reconciles the most difficulties. It is quite unquestionable that the conduct of the first and of the last Session of a Parliament is very different. The best proof that can be given is, that we never have seen the Civil List passed in a new reign until after the old Parliament had been dissolved and the new Session begun. Why is this? It is not necessary, nor is it the more respectful course towards the Sovereign, that the Civil List should be delayed till the opening Session of the new Parliament. A grant of 70,000*l.*, I understand, has been voted, in another place, for a set of new stables at Windsor Castle. It is very unlikely that a sum so enormous would have been given by a House of Commons about to render an account to its constituents, as it were, on its death-bed. I mention this fact to show the difference between a death-bed vote and a vote passed in the full vigour of life and health; and, as a good proof that the shorter the duration of Parliaments is made, so that they be not made short enough to lead to universal and endless expense, the better will it be for the people, and the more wholesome for Parliament itself. On the rest of my Noble Friend's speech I will not comment, further than to say, that some facts have been misrepresented by him, — I am sure, unintentionally. I am astonished that my Noble Friend, speaking of something which he supposes to have taken place in 1832, has used language which seems to countenance the notion that this House has a right to resist any accession to its numbers. Surely my Noble Friend does not mean to say that your Lordships could prevent a Peer from taking his seat after his creation? We all know that the form of procedure, on such occasions, is merely this, — that the individual appointed comes to the table of the House with a charter from the Crown, and the clerk, if he refuse to read it, is liable, as I believe, to a considerable penalty. My Noble Friend also declared that threats were held out to this House, during the discussions on the Reform Bill, of swamping the independence of the Peerage by a very extensive creation. Now, I have the most distinct recollection that not one member of the Administration at that time either used unbecoming language to this House, or touched upon the indecorous topic broached by my Noble Friend, or even opened his mouth, in any way, upon the subject. The matter took a totally different turn. A certain number of individuals thought fit, for particular reasons, — no doubt, satisfactory to themselves, — to absent themselves from the service of this House; and made it unnecessary to make any such proposal as that pointed at by my Noble Friend.

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even if Ministers had been disposed to make it, — which they were not. I am sure that if it had been requisite eventually to take such a decided step, the first intelligence your Lordships would have had of the matter would have been the arrival of the new Peers in the House to take their seats. It is a great mistake to suppose that a threat was held out.

EARL STANHOPE. — Oh! I was present in this House when the threat I mentioned was used, in the most distinct and unequivocal language.

LORD BROUGHAM. — By whom?

EARL STANHOPE. — By the Noble Earl, then at the head of the Treasury.

LORD BROUGHAM. — I am sure my Noble Friend is the last man in the world to state anything he does not believe to be true: but I have the most distinct recollection of everything that passed; and not only did my Noble Friend then at the head of the Government not say so, but, from the course which the thing took, it is impossible he could have said so. To pass from that subject, however, I cannot help thinking that my Noble Friend has been a little too harsh upon the other House of Parliament. I do not think it is right to say that they have fallen into universal and merited contempt; this is language which ought not to be used towards the other House, even if it were true.

EARL STANHOPE. — Those were not my words. I said they had never enjoyed the confidence of the country; and I added, "I will not say they have fallen into 'universal and merited' contempt."

LORD BROUGHAM. — Oh! that is just one of the several ways of saying that they have fallen into contempt. If such a thing could be said out of doors, and if an indictment were, in consequence, brought against the party saying it, the indictment would run thus: — "that he did then and there use the words, 'I will not say that they have fallen into universal and merited contempt,' — meaning, that they had fallen into universal and merited contempt." I do not think that House merits this contempt, or that so much should be said against them. Every sort of opinion is represented in that House, but is seldom expressed with much force, one way or the other. Instead of a good working majority, Government have no more than the respectable majority of 2; instead of a good, earnest, downright Opposition, their views on all subjects are so mild as hardly to be well distinguishable from those which they oppose. Certainly their opinions are anything but dogmatical: the representatives of the people seem to be so much overwhelmed by the difficulty and importance of the subjects that come before them, that they rarely venture to give an opinion upon any, but decide every disputed question upon the narrowest possible grounds. If 180 be a better majority than 216 upon the Ballot, however, — then, by a parity of reasoning, a majority of 2 is better for a Government than a majority of 2 to 1. But that very respectable body, which, though it appears to have no mind of its own, has so irritated and inflamed the mind of my Noble Friend, should be more mildly dealt with. I entirely concur in the great importance of the petitions which my Noble Friend has presented. I am glad that he has entered at large into the subject of them; for, certainly, the statements contained in them deserve the full, ample, and deliberate consideration of your Lordships. The petitioners speak the sense of the vast, the overwhelming majority of the working classes, — the universal opinion, without any one exception, of the unrepresented classes, — those classes which are for secret voting, provided the suffrage be extended; but who, before all things, are bent to work out such an improvement in their political style as an extension of the suffrage would produce. I will not use the language of intimidation to your Lordships; I will not say that I have the least dread of revolution; for I differ from my Noble Friend opposite as to thinking that revolution is advancing amain, and is at our gates already. I think the reverse of this is true; I hold that never were the people of this country more perfectly tranquil; and the proof of the fact is to be found in the little outbreaks that have taken place, where the spark has been flung and the fuel collected, and yet the fire has never spread an inch. All that has been done in town, all that has been done in the North, all that has been done more recently in the western districts of Scotland, only the more demonstrates to my mind that the really disaffected — the lovers of mischief — those who would break the peace for mischief's sake, or pursue objects of their own by unlawful means — form a most scanty and insignificant body in point of numbers, — a body miserable in point of respectability and honesty. This is my deliberate opinion; and I think the circumstance I have stated should

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incite your Lordships to take the earliest opportunity of attending to the wishes of the petitioners.

VISCOUNT MELBOURNE.—I do not much approve of these useless discussions — these mere exercitations — the conflict of argument and oratory; and certainly do think them a departure from the more ancient, the earlier, and sounder practice of Parliament,—which, in general, confined those who presented petitions to a statement of the objects of the petition, and of any remarkable circumstances connected with it, as — the peculiar respectability of the meeting at which the petition was adopted, or the signatures annexed to it.— Considering, however, the nature of these petitions, as described by the Noble Earl who presented them, and also by my Noble and Learned Friend who spoke last, — considering the great bodies of men who concur in the sentiments of the petitioners, — the Noble Earl is, perhaps, not much to blame for having dwelt at some length upon them. I certainly do not think that the opinions, set forth in the petitions, prevail to such an extent as my Noble and Learned Friend represents; I do not conceive that these are the opinions of the whole body of the labouring classes; but I am well aware that they are entertained by many in that rank of life, and are so sedulously inculcated by others who possess weight and influence with the working classes, that it is only a miracle they do not prevail to a greater extent. Nothing, indeed, surprises me more than the firm and steady good sense of the great majority of the people of this country, exposed as they are to the most violent representations, to the most severe temptations, suffering under great grievances, and told — meanwhile — that the cause of all their distresses is to be found in the mal-administration of the country, which might be very easily removed. Nothing surprises me more than the little impression made by these representations; and I only feel astonished that consequences a little more like those predicted by the Noble Earl who presented the petition, are not actually produced by the continual excitement in which the nation is kept. But I acknowledge that, considering the importance of the petitions, the respect which is due to those classes whence they emanate, the momentous subjects to which they refer, I do not know that the Noble Earl has acted wrongly, on the present occasion, in going more at length into the matter of the petitions than he might otherwise have done, —and in calling the attention of your Lordships to these topics so pressed upon your consideration by the petitioners. I do not know, however, that if I were one of those who attended the meeting at which one of the petitions was adopted, and had constituted the Noble Earl their representative, I should be very well satisfied with the manner in which the Noble Earl has discharged his duty, seeing that the Noble Earl has expressed his disapprobation of every one of the measures which the petitioners ask at your Lordships' hands. Annual Parliaments are asked for, and the Noble Earl expresses his disapprobation of them; universal suffrage is asked for, and the Noble Earl says he disapproves of it; extension of suffrage is asked for, and the Noble Earl also disapproves of that measure, except upon particular principles, which, I apprehend, when they come to be explained, will not be very agreeable to those who have made the Noble Earl their mouthpiece, or be much in accordance with their views. The Noble Earl, if I understand him rightly, wishes that when the suffrage is extended, the right should be given collectively or to classes.

EARL STANHOPE.—To classes, and not collectively.

VISCOUNT MELBOURNE.—To give it to classes would, I apprehend, exactly establish those distinctions between the various ranks of society which are the most contrary to the views of the present petitioners, as well as to those now most generally in vogue. It is not my intention to go into the questions raised by my Noble and Learned Friend. With respect to those questions, I will only say that I agree, for the most part, with the opinions expressed upon them by the Noble Earl; and on the arguments which he has urged, I am content to take my stand. Neither is it my intention to give a history of the Reform Bill, into which my Noble and Learned Friend has entered, nor again to notice the doctrine of finality, further than to say that it is a term not to be found in any dictionary; and that I believe it was never employed by my Noble Friend to whom the Noble and Learned Lord (Lord Brougham) alluded, in that sense in which it has been understood and animadverted upon. It could never have been intended by my Noble Friend, with respect to any human measure, that it was to be fixed, settled, final, and decisive, or incapable of alteration. Unquestionably all that my Noble Friend meant was, that the settlement of the Reform Act was of so solemn a nature, that, at

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least, a long trial of its provisions ought to take place, and that they should not be hastily and wantonly changed. Neither my Noble Friend, nor any other man, could ever have meant to say that the Reform Act was incapable of change — that its defects were not to be amended — that the suggestions of experience were not to be attended to. For myself, I stand more particularly clear of this doctrine of finality. Your Lordships may probably not recollect anything that fell from me on a former occasion; but I would beg leave, for my own satisfaction and vindication, to recal to your recollection that, upon the second reading of the Reform Bill, I delivered a speech which was then censured as not being very plain or decisive in favour of the measure. On that occasion, I made two statements for my own vindication, and in order to guard myself thereafter. The one was, that that measure would infallibly fail to answer the extravagant expectations which many persons entertained of it. I stated that I did not think it would produce those advantages, those changes in the state of society, which some anticipated; that it would not do away with bribery or corruption, or with influence; and therefore that it must unquestionably produce some degree of disappointment. The other statement I then made was, that I was perfectly aware that change would not stop with that Bill; that it could not prove a final measure. I declared — for I wished to place the matter fairly and distinctly before your Lordships — that I was certain the Bill must lead to large ulterior consequences. Therefore, in saying that I agree with the Noble Earl who has presented these petitions, in most of the statements he has made, and the opinions he has delivered upon the measures recommended in them, I beg it may be understood that I am opposed to those measures, — not because they are advances upon the Reform Act, — not because they go further than that Act, — not because they are of a progressive kind, — but because they are bad and pernicious in themselves, — because they are not proper to be adopted; and unquestionably it is not upon any other more general ground that I oppose them. Into the consideration of those measures, I repeat, it would be fruitless now to enter. Many of them relate to the other House of Parliament; and though, unquestionably, the privileges and proceedings of that House are matters of so much importance, that it is not only perfectly within your Lordships' competence, but it is your Lordships' right and duty, to pronounce an opinion upon them, — yet, at the same time, I do not think it expedient wantonly to discuss those matters in this House, till they are brought regularly and deliberately before it.

Upon the question of the Ballot, I shall not say anything. I understand that a motion has lately been brought forward in the other House of Parliament for the adoption of that mode of voting. The motion was negatived by a very large majority, and, therefore, it is not likely your Lordships will soon have to consider it. I shall only say, that my opinion is adverse to secret voting, — adverse to the substitution of secrecy for publicity in the mode of taking votes. My Noble and Learned Friend has adverted to other matters which are sufficiently well understood, but which it is not very regular in this place to state, or to allude to, distinctly. I cannot see, however, that there is anything Jesuitical in the course which has been taken by the Government, or in the conduct of a Noble Friend of mine in another place. The probability is, when a question is freely and fairly discussed, — discussed on its own merits, and discussed without external constraint on the votes of those who are to decide, — that of two men, holding different opinions upon the question, one will say that the grounds on which it rests are weak, and the object sought pernicious, and that therefore the question will retrograde; while the other will say, that he thinks it rests on solid grounds, and that it must advance. I think that this is the natural course of opinions among men who differ in their views. I do not, however, at all agree in the opinion expressed by my Noble Friend in another place, for I think that what the Government have done with respect to the Ballot gives the question a considerable advantage. I feel that what my Noble and Learned Friend says is true, — that a large number of votes, added to the supporters of a question, tends to advance it in public opinion, and to give it a greater chance of success; but even viewing the matter in the other light, there is no ground for the severe animadversions of my Noble and Learned Friend. I do not quite agree with my Noble and Learned Friend as to the character which he has thought proper to give of the petitions now before the House, and of the proceedings of the petitioners; at the same time, I was extremely glad to hear the opinion which was expressed by the Noble Earl opposite on the subject of arming the people. Though the advice to the people to arm may bear the appearance of legality, yet it is merely in form and in appearance that it can be considered legal; in fact, and in reality, it is

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nothing less than a recommendation to them to rebel. It can be viewed in no other light, and it can have no other meaning. I rejoice, therefore, to find that the Noble Earl has no participation in the advice given to the people to arm; — I rejoice to hear him disclaim all participation in that counsel, though it is advice that has been given by persons professing to have a respect for public liberty and good order, — persons filling creditable stations in life, and from whom better things might have been expected. My Noble and Learned Friend near me has remarked, with much humour and liveliness, upon recent proceedings in the other House of Parliament, and upon the narrow majorities by which some measures have lately been decided there. I can recollect the time when my Noble and Learned Friend did not think great majorities a matter of such absolute necessity, that the public affairs of the country could not be carried on without them. I remember the time when my Noble and Learned Friend thought a majority of 1 sufficient to go on with. It implies no disrespect of any assembly, no reflection upon its character, to assume that it may be equally divided upon any occasion; such matters as equal divisions are always upon the cards. Whether that should be considered an advantage, or a disadvantage, I will not take upon myself to determine; but it is evident that, in the present state of things, the Houses of Parliament, in this country, must decide all matters that come before them by majorities. It certainly is an unsatisfactory way of deciding debatable questions; but, in the present condition of human nature, I do not exactly see how it can be avoided. I am by no means sure that the majority are always in the right. There is much in my habits and associations which leads me to think that the minority are not always in the wrong; on the contrary, I am rather inclined to think that the minority are generally in the right. But I know not where a remedy for the difficulty is to be found. The evil, as I conceive, arises from the nature of public assemblies, which have not yet arrived at any other mode of deciding their differences than by majorities.

To return, however, to the prayer of the petitioners. I confess I feel less alarm from the actual state of the country than I do from the warm and earnest manner in which individuals take up particular questions. Every man appears to think himself justified in pushing his own opinions to their extreme limits. If he think that the Legislature or the Executive are in the least wrong — for example, about the currency, — if he think that there ought to be a few more or a few less 1*l.* notes in circulation, he does not scruple at once to call on the people to rise in all their strength, and push to the utmost the extreme opinions which he advocates. It is the same with the poor law. I believe that the law in its existing condition contributes as much more than it formerly did to the order, to the comfort, and happiness of the poor, as it does to the general welfare of the country at large. But, whether it is the poor law or the currency, or whatever else, which may occupy the thoughts or attention of those warm and energetic declaimers against grievances, each seems to its individual patron to be all-important, and to justify rebellion, — armed resistance — nay, a dissolution of the bonds of society. All who see the most trifling matter amiss, are prompt and instant in calling to their aid that doctrine of resistance which belongs to great and extreme cases; and, instead of reserving it for these, are for applying it, without sufficient grounds, to every occasion which arises. As Burke beautifully expresses it, they desire to make "the extreme medicine of the constitution its daily bread." I do not feel that it is necessary for me to trouble your Lordships with any further observations. I will only say, in conclusion, that I greatly lament that, with the right feeling which generally influences the Noble Earl opposite, he should so often make remarks upon the poor laws in so strong and bitter a spirit.

LORD BROUGHAM. — One word in explanation. I distinctly understood — for I had not read the debate, and I am not in the habit of reading debates — that the Government in the other House had assigned as the reason for making the Ballot an open question, that their doing so would have the effect of rendering its success not only more remote, but more doubtful; nay, of defeating it altogether.

The MARQUESS of NORMANBY. — My Noble Friend, in the other House, who made those observations, spoke merely for himself, and not in the name, or on behalf, of the Government at large.

LORD BROUGHAM. — I inquired of my informant whether the other members of the Government disclaimed the sentiment? and the answer was, "Not a bit of it."

EARL STANHOPE. — I trust that your Lordships will allow me to say a very few words, as I have been charged

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by my Noble and Learned Friend (Lord Brougham) with having made an erroneous statement. I certainly spoke to the best of my knowledge and belief, from, I thought, a correct remembrance of the words that were used by the Noble Lord then at the head of the Administration, when I said that a threat was employed. If I am wrong, I am not the only person in error; for I find in the Journals of your Lordships' House, a protest signed by many Peers, some of whom have been present, in the course of this very discussion, stating, with regard to the Reform Bill, "that the Noble Lord who opposed the second reading declared, that though he said he objected to the Bill, he would withhold all future opposition to it, — the House having been given to understand that his Majesty would create such a number of Peers as would insure the passing of the Bill."

LORD BROUGHAM. — My Noble Friend entirely mistakes what I stated. All I denied was, that Earl Grey ever made use of the threat adverted to. The protest only alludes to the fact, and not to the threat.

EARL STANHOPE. — Well, then, my Noble and Learned Friend said that the Reform Bill was carried, not by virtue of the power to create Peers, but by the non-attendance of Peers. Yes; but that non-attendance was in obedience to a most unconstitutional circular, which was forwarded to those who were opposed to the Act. With regard to what has fallen from the Noble Viscount opposite, I cannot admit that the ancient and constitutional custom in presenting petitions was — not to enter upon the subject of them at length. I say that, if your Lordships were, on all occasions, to adopt the Noble Viscount's suggestion as regards this point, petitioning would become a mere farce. My Noble Friend (Viscount Melbourne) has eulogised what he terms the good sense of the people in remaining tranquil under continual excitement. Now, I would ask any Noble Lord in this House, or any individual in this country, whether it would be possible for any person — whatever his talents, his eloquence, and his perseverance might be — to excite a people, if they had not just cause to be discontented? What is the occasion of the excitement existing in Ireland? Poverty and want of employment. What is the cause of more than a million of the people of these realms having signed what is termed "the National Petition?" It is, that those people know they suffer grievances which have arisen from certain legislative measures, — measures which Parliament has neglected to alter. The Noble Viscount next observes that I am not the individual who should have presented one of the petitions which have this evening been submitted to your Lordships' consideration, inasmuch as I have stated my disapproval of its prayer. When that petition was brought to me, I stated, fully, frankly, and fairly, as was my duty, all the opinions which I entertained on the subject, and I said, — "I will, if you think proper, present your petition; but it is against my conscience to support its prayer." The parties in question then said, — "We wish it to remain in your hands." I accordingly undertook to comply with the request; but I should have considered myself the basest of mankind if I had deceived the petitioners. I was bound, as an honest man, to speak that which I conscientiously believed to be the truth, without regarding in what quarter my views might be unpalatable. It remains for me, now, to apologise for having obtruded myself, a second time, on the attention of your Lordships; but I thought it requisite to answer, as briefly as possible, some of the observations that have been made.

The DUKE of WELLINGTON. — I agree with the Noble Viscount opposite in much that has fallen from him with respect to the inexpediency of delivering lengthened harangues in this House on the presentation of petitions, and I cannot help lamenting that the Noble Earl, my Noble Friend, should have taken this opportunity of delivering one of those long harangues. The petitioners state, fairly enough, the grievances of which they complain, and pray for the adoption of measures calculated to put an end to them. But I cannot help regretting that my Noble Friend should, on this occasion, have been tempted to dilate, at so much length, upon the supposed causes of those grievances, and their present and anticipated effects, without suggesting some measure, — such as the repeal of the poor law, — or bringing forward some distinct proposition for the enactment of a new law, or the repeal of an old one. If he had made some such proposition, and the House did not attend to him, then, indeed, might the Noble Earl find some excuse for haranguing on the presentation of petitions; but it really is unworthy of the great mind of my Noble Friend to endeavour to excite such a spirit as his speeches are but too well calculated to call forth. I am happy, however, to find that my Noble Friend and I agree in some

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things, — that he disapproves of the arming of the people; and I hope that, if the disaffected spirit which is abroad goes further, I and the Noble Earl shall be found on the same side, — that we shall stand in the same ranks. I should wish to stand near the Noble Earl. Of one thing there can be no doubt, — that I shall be found on the side of order and the laws; and I hope that the Noble Earl will be found near me. Let the Noble Earl bring forward measures upon those several subjects, and let the House decide upon them at once. That would be the more fair and manly course, and one more likely to give satisfaction to the country, than the course which the Noble Earl thinks fit to pursue night after night. With regard to the subject of these petitions, which have been presented by the Noble Earl, I must confess that I have heard, with great satisfaction, the sentiments which the Noble Viscount opposite has expressed. I fully concur with the Noble Viscount in the propriety of opposing the further extension of the suffrage; and upon the very same ground, — namely, that such extension would be inconsistent with the best interests of the country. I likewise concur in the sentiments which the Noble Viscount has expressed upon the subject of the Ballot, — that obnoxious, and, I must say, un-English measure; at the same time, I deeply regret that the Noble Viscount did think proper to make it what is called an open question. I had the misfortune to be in office when there were such questions; and I must say that I never could consider them as anything but a symptom of weakness on the part of those who were carrying on the service of their Sovereign, — a symptom that they were not acting together, that they did not agree amongst themselves, and that there was a division also amongst their supporters. Instead of its being a matter of satisfaction that an important question like the Ballot should be left an open question, I regard it as a circumstance most likely to prove disastrous to the Government, and eventually so to the country. Under these circumstances, although perfectly content with the opinions delivered upon the subject by the Noble Viscount, I confess I did lament, and do still lament, most sincerely, that the question of the Ballot should be considered an open question by the Government, — and more particularly still do I regret that it should ever have been declared so.

EARL STANHOPE. — My Lords, I think that the best answer I can give to the challenge of the Noble Duke to bring forward those questions to which he has alluded in the shape of a motion, Bill, or something else, is to be found in a military anecdote. It is said that a French general, upon returning from an inglorious campaign, was asked by his Sovereign, Louis XIV., with an air of astonishment, why he had not taken the general to whom he had been opposed in battle; to which inquiry he replied by saying, — "Sire, if I had attempted to do so, he would have taken me." Such is my position. I do not bring forward any measure, because I have no chance of success with them; and because, if I did so, the Noble Duke would, no doubt, triumph in my defeat. I prefer waiting for better times; and, by acting according to my own tactics, not to expose myself to such a defeat. This much I will say, for the satisfaction of my Noble Friend, — that if the Bill for continuing or extending — I do not care which — the powers of those dictators, the Poor Law Commissioners, shall come up to this House, I shall consider it my duty to take the sense of the House upon it, though I should stand alone. I have already voted in this House in a minority of 3, and I should not be ashamed or afraid to do so in a still smaller minority.

The petitions were then read, and ordered to lie on the table.

SPIRITUAL SERVICES OF PARISHES BILL.

House in committee (according to order); amendments made; the Report thereof to be received on Thursday next.

BILLS OF EXCHANGE BILL.

Amendments reported (according to order); and to be read a third time on Thursday next.

PROTECTION AGAINST BANKRUPTCY BILL.

Amendment reported (according to order); Bill to be ingrossed, and to be read a third time on Thursday next.

COMMON PLEAS REGULATION BILL.

Amendments reported (according to order); Bill to be ingrossed, and to be read a third time on Thursday next.

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JAMAICA.

On the motion of LORD ELLENBOROUGH, an Address ordered — for Copies of all laws of the Island of Jamaica, which have expired since the 30th day of October, 1838.

HIGHWAYS ACT.

LORD HUDSON presented a Bill "to amend an Act of the fifth and sixth Years of his late Majesty King William the Fourth, relating to Highways." — Read a first time, and to be printed.

DEAN AND CHAPTERS.

A NOBLE LORD presented a petition of clergy of the deaneries of Richmond and Catterick, in the diocese of Ripon and province of York, praying that deans and chapters may be exempted from the penalties of a *præmunire* upon their refusing to elect the nominee of the Crown to any vacant see. — Read, and ordered to lie on the table.

ECCLESIASTICAL DISTRICTS BILL.

To be read a second time on Thursday next.

HIGH SHERIFFS' EXPENSES BILL.

Second reading (which stood appointed for this day) put off to Thursday next; and the Lords summoned.

PAPERS.

Copies of the following Acts passed by the Legislature of Jamaica: — 35 Car. II. c. 11.; 32 Geo. III. c. 11.; 55 Geo. III. c. 19.; 5 Will. IV. c. 2.; 5 Will. IV. c. 8., intituled, "An Act for making further provision for the building, repairing, and regulating of Gaols, Houses of Correction, Hospitals, and Asylums," 4th of July, 1834; 5 Will. IV. c. 21., intituled, "An Act for granting Aid from the Public Funds in erecting, enlarging, and repairing Houses of Correction and Treadmills;" 5 Will. IV. c. 37., intituled, "An Act in Aid of an Act intituled 'An Act for making further Provision for the building, repairing, and regulating of Gaols, Houses of Correction, Hospitals, and Asylums:'" Also,

The resolutions of the meetings of planters and others interested in Jamaica, on the 12th of April, 10th of May, and 4th of June, communiceted to the Marquess of Normanby: And, also,

The memorial of the Association of the Jamaica Proprietors, addressed to Viscount Melbourne and the Marquess of Normanby on the 30th of May:

Delivered (pursuant to Address of Thursday last), and to be printed.

Adjourned.

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HOUSE OF COMMONS.

PRIVATE BUSINESS.

Pemberton's Divorce Bill. — Read a second time, and committed to Mr. FRESHFIELD and the West Cornwall list. Instruction for counsel and witnesses.

Ordered, That a message be sent to the Lords, to request a copy of the evidence in the case of the said Bill.

Hall's Estate Bill. — Read a second time, and committed to Mr. ADDAMS WILLIAMS and the Monmouth list.

Davie's Estate Bill. — Read a second time, and committed to SIR THOMAS ACLAND and the North Devon list.

Deptford Pier Junction Railway Bill. — Report further considered (prints having been delivered on Friday, the 21st of June); amendments agreed to; Bill to be ingrossed.

SMALL DEBTS BILLS.

Mr. WILSON PATTEN.—Sir, I have been directed by the Committee on the Warrington Small Debts Bill to make a special report to the House. On the meeting of that committee, it was observed that the Bill had been very much altered since the second reading; and the first difficulty which presented itself to the committee was the question, whether they ought not to deal with the Bill as they would do, in like cases, with Railway Bills, and reject it? They knew, however, that the parties to the Bill had taken great pains in making such alterations as they were informed, on high authority, would insure its success; and therefore do I think that, as far as they are concerned, they have done all that could be expected. There was, also, another difficulty, which was fully considered by the committee, — namely, that the Bill would operate against other existing courts. Upon that point, I am certainly of opinion that it should be ascertained, in the first place, whether these existing courts cannot be made available for the recovery of small debts, before the introduction of new courts into those districts be permitted. I regret that the amended Bill, by some mistake, has not yet been printed; but it will be in a day or so. Under these circumstances, I shall move, "That it be an instruction to the Committee on the Warrington Small Debts Bill, and to the committees on all other Small Debts Bills now before the House, that they have leave to alter the said Bills in accordance with the Warrington Small Debts Bill, as ordered by the House to be printed; and that they be directed to report specially to the House, in the case of any local courts in operation within the district affected by the Bill."

SIR JAMES GRAHAM. — So far as I am able to understand the matter, clauses were introduced into the Warrington Small Debts Bill after it had been sent to a committee, which clauses are almost identical with the provisions of the County Courts Bill now before a select committee of the House. That committee have made considerable progress in preparing a general measure. The County Courts Bill, as originally referred to them by her Majesty's Government, has been, in the mean time, withdrawn, in order to be recast according to the wishes of a majority of the members of the committee; and I am expecting that the committee will soon be summoned to meet for the purpose of having the amended Bill laid before them. Under these circumstances, I think the best course would be to postpone the discussion of this measure till the Warrington Bill be printed and in the hands of Honourable Members. It would be also desirable not to proceed without first ascertaining the views of her Majesty's Government with regard to the course they intend to adopt on the subject.

Mr. PATTEN. — I would not hesitate to adopt the suggestion of the Right Honourable Baronet, but that the committee have fixed to meet to-morrow, in the hope of being, by that time, in the possession of the opinion of the House.

SIR GEORGE STRICKLAND. — After the great delay, inconvenience, and expense to which the parties interested in

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these Bills have been subjected, I am sure the House will agree with me in saying that we ought to come to a decision upon the subject as soon as possible. I should be willing to agree in the course suggested by the Right Honourable Baronet, if I thought such a course would relieve the doubts of those parties. But I do not. Neither do I see the necessity of waiting till this Bill is printed; as it will give no more information than has been already laid before the House in the Breviate of the Aberford Small Debts Bill, which is in accordance with the alterations made in the Warrington Small Debts Bill, and therefore a sort of model Bill in itself. The parties to the several Bills of this kind before the House have already delayed them, under the impression that a Government measure would have been brought forward; and if they were even now assured that a general measure would be brought forward, I am confident they would withdraw those Bills. But I understand that there is no prospect of such a measure being passed this Session.

[Cries of "No, no!"]

I hope that opinion is incorrect. All that I can say is, that such is the belief of all the parties concerned in these Bills; and in that belief they have all acted. Besides, they have been told, from high authority, that if they would alter the framework of their Bills so as to bring them in conformity with the Breviate of the Aberford Small Debts Bill, they should experience no further obstruction in their progress through the House. I therefore think it will be doing great injustice to the promoters of these Bills, to subject them to further delay; the additional delays to which they have been already put, having been attended with an expense of 300*l.* or 400*l.*

LORD STANLEY.—I think it would be most desirable that a general measure should be framed, to regulate the forms of proceeding and the jurisdiction of all these courts. I am aware that the parties soliciting these Bills have been exposed to great delay, inconvenience, and expense, which I should be sorry to aggravate. But when rules are laid down by this House, they should be enforced by this House, and not transferred to the hands and control of parties out of doors. It seems that the promoters of those Bills have been told, by an authority, not of this House, that they would experience no difficulty in getting their Bills through, provided that these should be drawn out in conformity with a certain model. Now, I am clearly of opinion, that if the House of Commons once allows and sanctions the interference of such extraneous authority, we may just as well close our doors, and abrogate our right altogether. The Warrington Small Debts Bill, the principle of which was assented to by the House upon the second reading, contained forty-three printed pages; and how much does the House think is now left of the original Bill? The preamble alone, and not one single syllable of the enactments. Instead of them, fifty or sixty clauses were laid before the committee in manuscript, which they were told they must pass bodily; and this has been done in the case of four other Small Debts Bills, which have all been altered according to the instructions of this high, but self-constituted, authority out of doors. I was a member of that committee. There were other committees sitting on Private Bills at the same time; and the chairmen of those different committees having met at our request, we found that this species of underhand legislation was going on to a very great extent; and that what the parties could not accomplish before a general committee of the House of Commons, they were endeavouring to effect by a committee up-stairs. It is said that these Bills are merely temporary Bills, brought forward while the subject is under the consideration of a committee up-stairs. That is the very reason why I am of opinion that no model Bill should be passed during the deliberations of that committee; because, if that committee were to decide that the provisions of that Bill were bad and mischievous, then would the House of Commons have stultified itself in having sanctioned the passing of forty or fifty individual Bills of the same kind. That would be exercising, if not abrogating, our functions contrary to the principles of our parliamentary constitution. The House of Commons must, therefore, interfere to maintain its own authority, and not allow it to be taken from it, piecemeal. I do not say whether these Bills are the best possible machines for the recovery of small debts,—possibly they may be the worst. On that I offer no opinion. But by the present constitution of these courts, the traders of the different towns sit as commissioners, and give their gratuitous services. The select committee up-stairs are deliberating whether that system should not be done away with, and power given to the Lord Chancellor to appoint a paid barrister to sit as judge in those courts in the different towns throughout the country. If he is to have

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that power, then I say he should not have it conferred upon him, piecemeal. I certainly object to the abrogation of those courts, where they now exist. I think it would be better that their constitution and jurisdiction should be amended and enlarged, than to destroy them by a side wind, which would establish courts of a cheaper kind, and to which, of course, the suitors would therefore naturally resort.

Mr. HAWES. — I certainly think it would be wiser, as suggested by the Right Honourable Baronet, to postpone the general discussion of the question, until the Warrington Small Debts Bill shall be printed, and in the hands of Members. I do not believe that Government have yet abandoned the idea of introducing a general measure; at the same time, I cannot understand why the Committee on the County Courts Bill have not been called upon to resume their sittings.

SIR J. GRAHAM. — I have already stated that, considerable alterations having been made in the framework of that Bill by the committee, it was, by an amicable arrangement with the Government, withdrawn, for the purpose of being remodelled.

Mr. P. THOMSON. — It appears to me that the House has only one of two courses to pursue, — namely, to delay the further consideration of this subject until the Bill shall be printed, or else to decide that all Small Debts Bills be postponed till the select committee shall have reported. If this House is to permit Bills, sent upstairs to a private committee, to be there so changed as to alter the principles of measures,—if it is to allow every clause of them to be expunged, and other and totally different clauses to be substituted,—then there is an end of the legislative powers of the House, so far as Private Bills are concerned. I do not mean to say that the Bill is a bad one; but I hope the House will agree to the postponement of the further consideration of it till Thursday, so as to allow it to be printed. A discussion can then take place, and the House will be enabled to come to some decision on the subject.

SIR G. GREY. — I have to state distinctly to the House, that the Government measure has not been withdrawn,— that it is delayed merely for the purpose of alteration, — and I expect that, in a few days, it will be laid before the House.

Mr. PATTEN. — I fear that little benefit will be derived from the adoption of the course recommended by the Right Honourable Gentleman the President of the Board of Trade, and that the House will not be able to come to a more satisfactory conclusion on the subject on Thursday, than at present. If it be the feeling of the House that I should do so, I shall withdraw the motion, now, and take an opportunity of bringing on the discussion in the course of the next week. If the House intend to throw this Bill out, it should have come to that decision long ago, and not have put the parties to the expense of proceeding with it.

LORD G. SOMERSET. — I think it would be well if we were to have the benefit of your opinion, Sir, upon this question, — whether a private committee has the power of so altering a Bill, sent upstairs to it, as to leave nothing but the preamble of the original measure remaining? — because, if such be the case, it appears to me that all second readings, and all our discussions on the second readings, of Private Bills, are totally unnecessary.

The SPEAKER. — I can have no hesitation in stating, that, having had my attention called to the Bill now under discussion, I searched for a precedent, but could find none, where a Bill had been so altered by a committee as to be totally changed in principle. I am quite sure that this House would be placed in very great difficulty if it were to sanction the practice — which is now, for the first time, attempted to be introduced, — of entirely changing the provisions of a Bill before a private committee. Certain rules have been laid down, under a Standing Order, with regard to the time which shall elapse between the first and second reading of a Bill; the object of which Order is, that the parties interested may have ample opportunity of seeing its provisions, and that time may be had for circulating the Bill throughout the country; but, if private committees are allowed to alter Bills which are referred up-stairs in such a manner as to change the principle of them, the Reports of those committees may be brought up, the Bills may be read a third time next day, and thus the rules which the House has laid down for the protection of all classes, will be rendered perfectly useless. I trust the House will pause before it sanctions the exercise of such a power by committees up-stairs.

Mr. P. THOMSON. — After what has fallen from the Chair, I shall move that all committees on Small Debts Bills be

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ordered to suspend their proceedings till Monday next, in order to afford time to the parties to ascertain the opinion of the select committee.

Original motion, by leave, withdrawn.

Ordered — That the committees on Small Debts Bills do not proceed before Monday next.

PUBLIC BUSINESS.

MESSAGE FROM THE LORDS,

That they have agreed to, — Windsor Castle Stables Bill; Southmolton Roads Bill; Bradford (Wilts) Improvement Bill; Croydon, Merstham, and Godstone Iron Railway Company Bill; Tyne Dock Bill; Amendment to Harrow School Estate Bill, without amendment: Slamannan Railway Bill; Wishaw and Coltness Railway Bill; West Durham Railway Bill, with amendments.

That they have passed a Bill, intituled, "An Act for naturalising Alexander Henry Augustus John, Count de Saint George."

Committee of Selection. — Power to send for persons, papers, and records.

Bankruptcies. — Order (31st of May) for presenting a perfect Return from Mr. Abbot, relative to Bankruptcies, read.

Ordered — That the said perfect Return be laid before this House, forthwith.

PAPERS, &c.

The following Returns, &c. were severally presented, and ordered to lie on the table; namely, —

Charities. — Copy of Part IV. of Thirty-second Report of Commissioners of Charities in England and Wales (by command).

King's Inns (Dublin). — Return of the amount of all moneys received by the Honourable Society of the King's Inns in Dublin, in each year since the 7th day of February, 1832, from students at law (ordered 30th of May).

County Treasurers' Fee Fund (Ireland). — Return of the amount received for the fee fund, and of each payment, from the 25th day of March, 1838, to the 25th day of March last, distinguishing the sum paid by the treasurer of each county (ordered 7th of June).

Foreign and Colonial Wheat. — Return (presented 24th of June). — To be printed.

Slave Trade. — Paper relative to the Circe (presented 24th of June). — To be printed.

MISCELLANEOUS PETITIONS.

The following petitions were severally presented, and ordered to lie on the table; namely, —

Postage, — By Mr. SCHOLEFIELD, Mr. GRIMSDITCH, and LORD VISCOUNT CASTLEREAGH, for a low and uniform rate, — from Hanley and Shelton; London (three petitions); Old Windsor; St. Peter's, Birmingham; Deritend and Bordesley; Downpatrick; and members of the Botanical Society of London.

Education, — By LORD NORREYS, CAPTAIN WOOD, and LORD C. MANNERS, against the proposed scheme, — from Mitchel Troy and Cwmcarvan; West Hackney; Kidlington; and Eaton.

By Mr. EWART, in favour of the proposed scheme, — from St. Luke, Chelsea; and New Windsor.

By SIR E. KNATCHBULL, — from Deptford, against the altered plan relative to education.

By Mr. T. PARKER and LORD STANLEY, for revoking the order appointing a Committee of Council to superintend the application of grants for education, — from Wigan; Preston (Lancaster); Ince; and archdeaconry of Richmond.

Church Establishment (Canada), &c., — By Mr. PAKINGTON, Mr. HOGG, and Mr. CODRINGTON, for extension, — from Cheltenham; Warthill and Stockton; and Beverley.

Sale of Beer Act, — By Mr. PAKINGTON, — from New and Old Windsor and Clewer, for amendment.

Lord's Day, — By Mr. PLUMPTRE, — from Osmaston, for better observance.

Poor Law Amendment Act, — By Mr. T. DUNCOMBE, — from St. Andrew, Holborn, and St. George the Martyr, for repeal.

Thomas Fuller, — By Mr. T. DUNCOMBE, complaining of the verdict against

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Thomas Fuller, committed on a charge of beating and striking John Langford, and praying for inquiry, — from several of the jury who tried Thomas Fuller at the Old Bailey Sessions, in September, 1832; and Finsbury; and, also, from Thomas Fuller. — To be printed.

Lithgow's Estate, — By Mr. MACAULAY, — of John Eckford, Margaret Pope, and others, alleging a claim to the estate of Hector Lithgow, and praying that, on the property coming into possession of the Crown, it may be gifted to the petitioners as nearest relations.

Railways (Ireland), — By LORD VISCOUNT CASTLEREAGH, — from Rathfriland, for aid to existing companies.

Maynooth College, — By LORD CASTLEREAGH, — from Bangor (Down), against further grant.

Roman Catholic Relief Act, — By SIR F. BURDETT, — from Westminster, for repeal, and for suppressing all seditious and treasonable combinations.

Beet-root Sugar, — By Mr. O'CONNELL, — of Hercules Bradshaw, complaining of the imposition of a duty on sugar manufactured from beetroot, since he commenced the manufacture thereof at Hillsborough, whereby he has sustained considerable loss, and praying for relief. To be printed.

Metropolis Police and Metropolitan Police Courts Bills, — From Enfield, against.

County Courts Bill, — By Mr. EASTHOPE, — of the chairman of the commissioners of the Court of Requests for Leicester, against. — Referred to the select committee on the Bill.

LEAVE OF ABSENCE.

To Mr. SOMERSET MAXWELL, a month.

PRISONS (SCOTLAND) BILL.

Third reading deferred from Monday next, till Wednesday, 3d of July.

SUPREME COURTS (SCOTLAND) BILL. — COPYHOLDS ENFRANCHISEMENT BILL.

Third readings deferred from Thursday, till Wednesday, 3d of July.

THE CANADIAN PRISONERS.

Mr. LEADER. — Having been informed by the Right Honourable Gentleman the Under Secretary for the Colonies that the case of the Canadian prisoners is still under the consideration of the Government, I beg leave, with a view to prevent all prejudice to those individuals, to withdraw for the present the motion of which I have given notice, and which stands for consideration this evening. I will take this opportunity of asking the Noble Lord the Secretary for the Home Department, when it is his intention to proceed with the Canada Bill?

LORD J. RUSSELL. — I cannot mention the precise day. I shall not be able to proceed with it on Monday; but I hope to be able to do so some day next week.

DISTRESS IN IRELAND.

Mr. SERJEANT JACKSON. — I wish to ask the Noble Lord the Secretary for Ireland whether he has received any information relative to the distress which prevails in Bantry and other districts in the south-western part of Ireland? and whether any steps have been taken, or are intended to be taken, to afford relief by the Government? Out of a population of 7000 persons, 3000 are, I understand, in a state of very great distress, and 1000 are absolutely famishing.

LORD VISCOUNT MORPETH. — I have received several communications relative to the distress which prevails in some of the districts of Ireland, from which it appears, I am sorry to say, that that distress is very great. I have ordered local inquiries to be made, with a view to the adoption of some remedial steps.

ECCLESIASTICAL DUTIES AND REVENUES BILL.

Mr. LIDDELL. — I beg to inquire of the Noble Lord, whether he really intends to bring on the Ecclesiastical Duties and Revenues Bill to-morrow? I would suggest to the Noble Lord, that the measure might with propriety be allowed to stand over until the next Session.

LORD JOHN RUSSELL. — I have only to state, that I shall certainly move the Order of the Day, to-morrow, for the House going into committee on the Bill; and on doing so I shall announce the course

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which I intend to take. I may further say, in answer to the Honourable Gentleman's suggestion, that if the Honourable and Learned Recorder of London, and other Honourable and Learned Gentlemen on that side of the House, will give me an assurance that the deans and chapters are considering any plan which they intend to propose to Parliament, I shall think that a sufficient reason for postponing the further consideration of the Bill.

LORD VISCOUNT DUNGANNON. — Can the Noble Lord say whether, in case he shall adopt the suggestion of the Honourable Gentleman, and postpone the Bill till another Session, the Government will propose another Suspension Bill?

LORD J. RUSSELL. — I shall give the Noble Lord an answer to-morrow.

BUSINESS OF THE HOUSE.

LORD JOHN RUSSELL. — I shall now state to the House the course of business for Thursday and Friday evenings. I have already given an assurance to the Honourable Gentleman opposite that the Beer Bill shall have precedence of other business on Thursday; and I propose, when that is disposed of, to move that the Report of the vote of the Committee of Supply upon the subject of education shall be brought up. On Friday, the first question for consideration is the Bill of the Right Honourable Baronet opposite with respect to the trial of election petitions; and if that do not occupy much time, I shall move the Order of the Day for going into committee upon the Municipal Corporations (Ireland) Bill, with a view to the consideration of the franchise clauses. I think it would be very much to the convenience of the House, if the Noble Lord the Member for North Lancashire would state whether or not it be his intention to take the sense of the House against the bringing up the Report of the Committee of Supply on the educational grant?

LORD STANLEY. — I perceive that the Government, supported by the triumphant majority of last night, intend to persist in carrying on the educational grant. I am sorry that I am not able to give the Noble Lord the information which he asks for; but I believe I may say that he shall receive a positive answer to-morrow.

IMPRISONMENT FOR DEBT (IRELAND).

Mr. W. BARRON. — I beg to be informed whether it is the intention of the Government to introduce any measure, in the course of the present Session, to assimilate the law relating to imprisonment for debt in Ireland to that which exists in England?

LORD VISCOUNT MORPETH. — My Honourable and Learned Friend the Solicitor General for Ireland gave notice, last night, of his intention to move, on Friday next, for leave to bring in a Bill upon the subject.

RAILWAYS (IRELAND).

Mr. ELLIS. — May I inquire of the Noble Viscount the Secretary for Ireland, if he can inform me when I may expect a Return to the motion I made on the 13th of March, with regard to public loans in Ireland, and also with regard to public works? I also wish to know whether or not it is proposed to proceed with the question of railways in Ireland?

LORD VISCOUNT MORPETH. — Sir, I believe that the Returns alluded to have come over from Ireland, and will be shortly presented. With respect to the question of railways, I will take this opportunity to state the course which I intend to pursue, — merely premising my observations by saying, that I never introduced any proposition to the House in which it would have given me greater pleasure to have been able to persevere. Although I entirely concur in the propriety of adopting such a scheme as has been presented to the House, yet I should have wished so far to have altered the original suggestion submitted, as to make it extend equally to all the provinces of Ireland; but I am bound to say that, from the communications which have been addressed to me from all parts of the House, I do not see that I could entertain any reasonable hope of success in pressing that proposition forward; and I think it better candidly at once to state, in order to relieve all parties from suspense, that I shall not feel justified in asking Parliament to take any further step in the matter; and that I shall leave the field open to that private competition for which many (I think, erroneously) claim the superiority in undertakings of this kind. I still hope to be able to introduce a measure, in the course of the present

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Session, for the purpose of affording facilities in the draining of land, by way of an amendment of the Bill introduced some years ago by the Honourable Gentleman the Member for Kildare. It is also the intention of my Right Honourable Friend the Chancellor of the Exchequer to proceed with his Bill for the improvement of the Shannon.

Mr. SHAW. — May I inquire whether the Noble Lord has entirely abandoned the railroad plan in Ireland? or whether he has given it up only for the present Session?

Mr. O'CONNELL. — I think it would not be right for the Government to state whether they intend to take the subject up again; such a declaration would check private speculation.

LORD MORPETH. — I cannot bind myself to say whether or not, at a future period, I shall be prepared to take up the scheme again; but the Government, feeling they cannot successfully carry on the project, now leave it to private individuals to see if they can do so.

NEW ZEALAND.

SIR R. INGLIS. — I wish to put two questions to my Right Honourable Friend the Under Secretary for the Colonies relative to New Zealand. I wish to know what are the intentions of her Majesty's Government relative to the colony of New Zealand generally, and also with respect to the New Zealand Company?

Mr. LABOUCHERE. — Sir, in answer to the question of the Honourable Member, I beg to state that, in consequence of various circumstances, Government has come to the determination of taking steps which will probably lead to the establishment of a British colony in that country, as the number of British subjects there renders the establishment of some authority absolutely necessary; but as those measures are still incomplete, I trust the Honourable Baronet will excuse me from entering further into them. A number of persons have gone out to New Zealand; and in order to protect the Aborigines, and for the maintenance of good order, it has been thought fit that measures should be taken to establish legal authority in the island. With regard to the New Zealand Land Companies, I need hardly assure the Honourable Gentleman that these companies could not have been hitherto recognised by the Government. They have sent expeditions from this country upon their own responsibility, and without any sanction from the Government; at the same time an explicit declaration was made to them, that, in any future step which the Government might take with reference to New Zealand, it would not consider itself bound to recognise any title to land that might be set up, which should appear to be fraudulent or excessive. I feel it better to give this explanation, because I perceive by the newspapers that various schemes have been projected relative to the island. Although, in the event of a British colony being established in New Zealand, the Government would by no means discourage emigration to it, which should be conducted in a manner not to interfere with the rights of the aboriginal inhabitants, or with any titles to land which shall have been fairly acquired; yet at the same time it is necessary that parties should understand that, in the case of land acquired from the Aborigines, — a class quite unable to protect, properly, their own interests, — it is the duty of Government to protect them, and to see that no title to land be set up which is either — as I before said — fraudulent or excessive.

WIGAN ELECTION.

Mr. EWART. — Sir, it is now my duty to move for a select committee to inquire into the allegations made in the Wigan petition, presented on the 10th of June, complaining that abduction and violence had been used at the last election for that borough. I trust that the House will not fail to come forward upon this occasion to protect the privileges which it has conferred upon voters; and I am sure the House will not sanction such proceedings as have here taken place, but that it will visit the offenders with the punishment they deserve. Sir, I beg most respectfully to assert that, if a candidate go down to a place, invited by the majority of the voters, and the party opposed to his principles not only abuse those voters, but carry some of them off to a distant part of the country; that is one of the most aggravated cases that can ever come under the consideration of Parliament. A circumstance which particularly aggravates this case is, that the individuals on whom the aggressions were committed were principally poor men. The same fact affords a reason for the interference of the House in their defence, stronger even than would apply to the cases of those, who, from their station in society, would be better able to take care of themselves.

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The petition is already before the House; and I will not go into the details of the case, — replete as it is with circumstances of a most aggravated nature, — as I entered very fully into the subject on a former occasion. I need not remind Honourable Members that, in cases like those of Liverpool, Stafford, and York, where bribery and corruption were complained of, select committees have been appointed; and, in accordance with the decisions of such committees, the parties implicated have received their just punishment. If this course be necessary in cases of corruption, then, *à fortiori*, is it necessary in this instance, where there are alleged, not only corruption, but intimidation, violence, and abduction. The cases of abduction complained of are divided into three classes; — first, the class of voters confined in their own houses by the partisans of the opposite party, terrified to such a degree as to be prevented from coming out, and obliged to escape through the houses of their neighbours, in order to have any chance whatever of going to the poll. The second class is — of voters seized in the streets of Wigan, locked in houses, drugged with powerful opiates, and detained until the last moment,—so that, had they not been rescued by their friends, they would have been unable to vote at all. The third class is composed of voters violently seized in the streets, carried into back premises of houses in the town, laid down by force, and compelled to take powerful opiates, and then carried in chaises to Liverpool, where they were kept till the poll was finally closed. All these persons had signed the requisition. In thus bringing this case before the House, and calling its attention to the petition, I have acted as well in accordance with the wishes of my constituents as with my own feelings; and I feel satisfied that I shall have done so with the accordance of the House, likewise, if a single spark of constitutional feeling yet remains among us. Sir, I do not think it necessary to dwell further on this subject; but I respectfully, and, I trust, not in vain, now call on this House to listen to the prayer of these petitioners, — to vindicate the privileges of the electors and of this House; and I shall conclude by moving for "a select committee to inquire into the allegations contained in the Wigan petition, presented on the 10th of June, complaining of abduction and violence practised towards the voters at the last Wigan election."

Mr. W. G. HOPE. — Sir, I trust to be able, in a very few words, to show the House that this motion ought never to have been brought forward, and that it ought not to be acceded to. The Honourable Member for Wigan has divided his cases of alleged outrage into three classes. I will endeavour to take each class separately, and dispose of it. First, however, I must advert to that case which stood third on the list in the petition, and which seems, by the parties concerned, to have been looked upon as of peculiar importance, from the singular circumstance that the individuals charged with the offences there stated have been already prosecuted for them, brought to trial, and — acquitted. The case I refer to is that of William Blomerley, which is described in the petition in these words: —

That William Blomerley, of Wigan, manufacturer and shopkeeper, a requisitionist and voter in favour of Mr. Ewart, was, about six o'clock of the morning of the day of polling, violently seized in the open street by a number of people, forced into a public house in Wigan Lane, called the Bowling Green (where a large party of Mr. Kearsley's partisans were then assembled), confined in a room there until a post-chaise arrived, into which the said William Blomerley was forced and taken to the Ridgway Arms public house in Adlington, distant seven or eight miles from Wigan, and there confined until he was rescued. That there were three men in the chaise, who guarded the said William Blomerley to Adlington, and afterwards acted as guards over him when confined in the Ridgway Arms public house, and frequently treated the said William Blomerley with great harshness and violence. That the said William Blomerley remonstrated strongly, and resisted violently, throughout the whole proceeding, and broke the chaise windows in the attempt to make himself known and heard; and, during his confinement at Adlington, broke the windows of the room he was confined in, and remonstrated frequently with the landlord, James Fowler, and demanded his liberty, but without effect; and the said James Fowler had in attendance a number of delfmen in his employ, with weapons, for the purpose of resisting, as he said, any attempt that might be made to rescue Blomerley. That the first person who went and demanded the liberation of Blomerley was Alex. Thompson, who was threatened with violence unless he went away. Thompson then left the house, and soon afterwards returned with three others; but the doors were closed; they were refused admittance; and the people about the house began to close the window shutters. That the party again left the house; and having met Blomerley's wife and several others, they returned with them, — when Mrs. Blomerley demanded to see her husband, but was refused by James Fowler the landlord. That some of the party then came to Wigan for assistance, and returned with two police officers and about fourteen assistants, in an omnibus, when Mrs. Blomerley and the police officers again demanded of Fowler that he would open the door and liberate Blomerley; but he still refused, until the parties promised to pay for a barrel of ale, to be given away by him. That Blomerley was brought to Wigan in the omnibus about two o'clock in the afternoon, and voted in favour of Mr. Ewart.

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A clearer case, if the statements were true, could certainly not be shown; yet, on the 13th of April last, the parties so accused were tried and acquitted. I cannot conceive why the Honourable Member omitted, just now, to state this most important fact; but it seems most singular that he should come down to the House and ask for a select committee to try — or rather, in fact, to re-try — a question that had already been adjudicated on by the ordinary tribunals, and at the same time not inform the House that such trial and acquittal had taken place. The next case I would refer to is that of a person named Riley, thus described in the petition: —

That, among the rest, John Riley, of Wigan, beer-seller, a voter who had signed the requisition to the said William Ewart, and had promised him his vote, was, on the evening of Thursday, the seventh day of March, invited to the Eagle and Child inn, where the said John Hodson Kearsley's committee and friends assembled. That when the said John Riley arrived opposite to the Eagle and Child inn, he was forcibly dragged into the house, and there held down upon a chair by one man, while another held his arms, a third held up his head, and a fourth poured some liquid down his throat, which produced almost instantaneous stupor. That in that state the said John Riley was forced into a chaise, taken down to Liverpool to a public house in St. Vincent Street, kept by a man named Peter Stubbs, and there deprived of his hat and shoes, and confined up-stairs, and not allowed to go out, even for the purpose of relieving nature, until after the close of the poll on Saturday afternoon, when the parties by whom he had been taken to Liverpool brought him back to Wigan in a chaise, and set him down in one of the streets of Wigan, about midnight. That whilst at Liverpool, in a state of unconsciousness, the said John Riley had spirits and narcotics administered, and was from time to time struck on the top of his head, and thrown upon the ground, and fallen upon by some of the men who took him down. That, owing to the liquids administered to him, the said John Riley remained in a state of unconsciousness from the Thursday night until the Saturday morning, and has since suffered much pain, both internally and externally, from the treatment he then received. That, when restored to consciousness, the said John Riley repeatedly demanded, both of the landlord and the parties who had taken him to Liverpool, to be set at liberty, in order that he might return to Wigan; but, under various pretences, they refused to liberate him. That James Riley, of Wigan, retailer of beer, after being treated at the Shovel and Broom public house, by voters in the interest of the said John Hodson Kearsley, was invited to go to the Eagle and Child, under the pretence that a person of the name of Nightingale, a Chartist, from Manchester, who was proposed as a candidate, wanted to see him. That the said James Riley went to the Eagle and Child, and on his arrival was forced into the same chaise with the said John Riley, and taken with him to Liverpool, and with him deprived of shoes and hat, confined until Saturday afternoon, and then brought back to Wigan at midnight. That the said James Riley resisted violently, broke the chaise windows, and threatened to stab the men unless they let him go; on which a voter and active partisan of Mr. Kearsley's, and actively engaged in forcing both John and James Riley into the chaise, with a knife inflicted a wound on the said James Riley.

Thus it is clear the parties were persons well known, and the alleged assaults amounted to a case of cutting and maiming. Why were they not prosecuted as for that offence? In the absence of any such prosecution, and where the offence was one clearly cognisable by the ordinary criminal law, it is really monstrous to call for a select committee of this House. But another opportunity of investigating the facts was afforded by the inquiry into the validity of the return at the last Wigan election. The facts charged were, indeed, in some measure put in issue, — the agent for the sitting Member having claimed to place on the poll the very votes in respect of which all the alleged outrages had occurred. Thus the Honourable Member had not only had an opportunity of trying these persons before a court of justice, but also of bringing the facts in question before the Election Committee, a sworn jury, and where the witnesses were examined on oath. Yet he now comes down to ask this House to grant him a select committee to inquire into the same facts, — a tribunal before which the witnesses would not be examined on oath. I would refer the Honourable Member to what occurred in the case of Cromarty, where certain persons carried off a voter, made him drunk, and it was even alleged that they drugged him. Those persons were convicted by a jury, yet they were afterwards made justices of the peace. Surely such a case as that ought to make the Honourable Gentleman less eager to call on the House to express their indignation against persons in the lower ranks of life, for doing precisely the same thing. The only difference I can see between the case of Cromarty and that of Wigan is, that whereas, in the former case, the parties were convicted, and afterwards made justices of the peace; in the latter, they have been acquitted, and the Government are not called on to make them justices of the peace. Other cases are mentioned in the petition; as to one of which I will only observe, that one of those persons, who is, in the petition, stated to have been overcome by stupor, and in a state of unconsciousness, walked out of the town without assistance. Another of the persons referred to was found in a chaise in the streets, at one o'clock in the morning, on the look-out for voters of the other party; and, in order to prevent him from doing mischief, he was pulled out of the chaise, and shut

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p for a certain time. Another case stated i the petition is one, where the voter was revented by terror from coming out of is house to go and vote. The whole harge in the petition is merely that bout a hundred persons assembled before his voter's house, and that he was terri- ed. Look, again, at the circumstances hich occurred in the Cromarty case. hey must be fresh in the recollection of he House. The parties were, in that ase, actually tried and convicted; yet, hen the subject was afterwards brought orward in the House of Commons, it was rgued that the whole affair was a mere lection frolic. In the present case, all hat is alleged is, that a number of per- ons assembled before the house door of he voter the night before the election, nd that he and others were frightened. The last case in the petition is that of the persons who "entered the house of James Dobb, and while he was in bed, and not- withstanding the resistance of his wife, and some whom she called upon to aid her, some forced their way up stairs, and some sat down in the house and began to smoke." It further appears, that Mr. Kearsley's partisans resisted the con- stables; and it was not until James Dobb's brother threatened to stab the first who touched his brother, that they were in- duced to leave the house. Why, this is one of the commonest kind of election squabbles, and surely not a case on which to found a call for the interference of a committee of this House. The Honour- able Member has referred to what he conceives to be precedents for the course which he has recommended. He has re- ferred to the cases of Liverpool, Stafford, and York. Those cases, however, were very different from the present. In all those cases, no election petition had been pre- sented; and no opposition, therefore, given substantiating the alleged cases. But in the present case, not only have the parties been acquitted by a court of jus- tice, but there has been a committee of this House, before which the costs have been put on issue, and where they might have been contested. Another point of difference between this case and those referred to by the Honourable Member is, that the complaint, in the present in- stance, is of individual outrages, and not of any great and general corruption, or malpractices. Matters of that sort, alone, such as nearly concern the public wel- fare, are properly made the subject of application to this House for select com- mittees. The offences here complained of come under the description of simple breaches of the peace, and ought, all of them, to have been treated as such. In the cases referred to by the Honourable Member as precedents, the object of the inquiry was always to found a proposition for disfranchisement, or some step of that sort, as regarded the place in which the alleged offences had occurred. But no such result is proposed in regard to the bo- rough of Wigan. What result does the Honourable Member propose to himself from the present motion? Is it that abduction, and cutting and maiming, should be declared crimes? They are crimes already. Is it that the power of prosecuting these parties should be given? That power exists already. Suppose it were the case of Mr. Blomerley, would the House direct the Attorney General to prosecute a party already tried by the proper tribunal, and acquitted? Would they submit to the absurdity of having the former acquittal brought in, and pleaded as a bar to the prosecution? What, then, is the object of the motion? If, after the question has been tried before the regular tribunal, in the case most relied upon, among all these, — if, after having had the opportunity of in- vestigating the case before a sworn com- mittee, where the evidence would have been on oath, — the object of the Honour- able Member is, by his present motion, to have the case investigated by a com- mittee, before whom the evidence will not be on oath, — I cannot but say that such an attempt is not very creditable; and that, of itself, it forms a sufficient ground for the House to reject the motion.

Mr. WARBURTON.—Sir, I deny that, because there has been a criminal pro- secution, the House is to be precluded from entering further into this question. There may not be enough evidence to criminate a person in a court of justice, and yet quite enough to induce the House to interfere and put a stop to the prac- tices of which the parties are accused. It should not be forgotten that the object of this motion is, not to criminate in- dividuals, but to draw the attention of the House to practices that are prevalent, in order that we may so interfere and put a stop to them. The Honourable Gentle- man who has just sat down has also urged that full opportunity for an in- vestigation of the alleged outrages was afforded before the select committee, where the parties were examined on oath. He surely forgot what is the legitimate object of such a committee. It is for one or the other of contending candi- dates to seat himself as a Member; — that done, they have nothing more to contend for. Was it their business, in this instance, at their own private ex-

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pense, to investigate facts of a general nature, bearing more upon the public welfare than upon their own title to their seats? If either Members or their agents were to attempt such a course, they would be guilty of the extreme of folly. In the present instance, I conceive that there is *primâ facie* evidence sufficient to induce the House to go into the inquiry necessary to establish the existence and the nature of the practices complained of; and I shall, therefore, support the motion of my Honourable Friend.

Mr. C. W. WYNN. — Sir, I really heard the present motion with some surprise, — having expected that the Honourable Member would have pointed out some distinct object as likely to be attained by, or to result from, the inquiry. The Honourable Member alleges that the privileges of this House have been violated, and the freedom of election violated. Unquestionably that would afford good ground for inquiry, if such inquiry were instituted with a view to the punishment of those who had been guilty of such offences; but it appears that, in the present instance, the individuals have been, already, brought to trial and acquitted. The Honourable Member for Bridport has suggested another object to be attained by the inquiry, — prevention of the recurrence of such offences. If they were offences that could not be punished by the law before the ordinary tribunals, the subject would be well worthy the attention of the House; but the fact is, that there is not one of the offences charged which is not cognizable by the common law. Some of these offences were made assaults; and others were, in effect, conspiracies to prevent the voters from going to the poll; but all were such cases as, were the question upon them moved before a court of justice, would be visited with adequate punishment. If the charges in this petition had been proved before the Election Committee, it would have been the duty of that committee to have reported them to the House, and the House would have ordered a prosecution. But, that course not having been pursued, what is there to prevent the Honourable Member, or any other person, from bringing those parties to trial at the very next assizes? I entertain very strong objections to such inquiries being carried on before committees, before whom the witnesses are not examined on oath. If prosecutions were ordered on such evidence, there would be the possibility, at the least, of the witnesses having perjured themselves. Such a case did occur three years ago; and the accused, although prosecuted by an order of the House, was acquitted by the jury, who found that the witnesses had so perjured themselves. I never would object, however, to such investigations as the present being carried on by the House, where an adequate mode of trial was not already provided by the constitution; but I certainly do object, and shall always object, to any attempt to pass by the regularly constituted court, with its sworn jury and sworn witnesses, for the purpose of erecting within this House a tribunal before whom the witnesses would not be on oath.

Mr. AGLIONBY. — Sir, it strikes me that all the arguments of Honourable Gentlemen opposite were addressed to the statement of the Honourable Member for Wigan, and that the arguments of the Honourable Member for Bridport have not been met by those who oppose the motion. Those arguments remain unanswered, and unanswerable. I regret, much, that these parties were indicted at all; and that the whole case was not, in the first instance, brought before this House. In a court of justice the accused themselves could not be examined; but before a committee of this House they would have been asked who set them on to commit the outrages? and who had paid them? Such an inquiry could not fairly be expected to be gone into before an Election Committee, where the expense falls upon Members themselves, or on candidates. That Member would be a madman who would enter on such an inquiry before an Election Committee. The inquiry is one intimately connected with the public welfare, and ought, therefore, to be carried on at the public expense. The practices which this petition brings to light will, I hope, contribute to convince the House, as they have helped to convince me, of the necessity for the Ballot as a protection to the voter. I am for having every case of corruption and intimidation brought before the House and exposed, in order that the necessity for the Ballot, as a protection, may be demonstrated. I hope that the motion will be carried, as an evidence of the necessity which exists for some safeguard of the interests of the public.

LORD VISCOUNT DUNGANNON. — Sir, I was truly astonished to hear the Honourable and Learned Member argue in favour of the Ballot from this motion. I am satisfied that, if the Ballot were to become the law of the land, the evils complained of would be increased tenfold, as there would then exist a greater inducement to the rich and powerful to per-

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uate corruption, from the secrecy ich would accompany the exercise of franchise. I must be allowed to say, ave never heard argument more grossly applied than in this case.

LORD VISCOUNT HOWICK.—Sir, I pe that, on this occasion, the discussion ich was had on the Ballot, only a few enings ago, will not be renewed. I nk we should do much better to confine rselves to the question before us; and I g most earnestly to impress upon the onourable Member for Wigan the expe-ency of not pressing the present motion. though it has been most ably sup-rted by the Honourable Member for idport, and the Honourable Member r Cockermouth, yet I must say that ey have failed to remove from my mind e plain and obvious objection to the pointment of this committee, — that it ould be renewing an inquiry already ttled in a court of justice. It has been ged, to be sure, that only one case out the whole was tried. But, in all pro-ibility, that case was selected because it as supposed to afford the greatest pros-ect of a conviction, — a prospect which ould exist in a degree still less, perhaps, any of the remaining cases. The Ho-ourable Member for Bridport says this quiry is not asked for with a view to ie punishment of the parties, but to able the House to legislate, generally, gainst the evil complained of; but, in y opinion, the first and most important ep for this purpose would be a con-iction in a court of law. I hope, under ll the circumstances, that the Honourable lember will withdraw his motion, as, if he ress it, I shall certainly vote against him.

SIR ROBERT PEEL. — Sir, I think here is one important consideration con-ected with this case, which has not yet een alluded to, — I mean the immense xtent of inquiry we should be engaged in, f we were to consent to the motion of the Honourable Member. In this case there vas an inquiry before an Election Com-mittee, and also before a court of law; nd if the House grant this motion under uch circumstances, we can never refuse o grant similar motions and applications or inquiry when there has been no pre-ious inquiry. I presume this inquiry is o be conducted at the public expense; nd, if it turn out to be frivolous, what emedy or redress will there lie against he party making the complaint? Much f the complaint in the present case loes appear to be frivolous. Perhaps the airest way to test this would be to take he last case, which, I suppose, was considered the most aggravated, and, consequently, reserved for the climax. It is the case of James Dobb, in which it is stated that a number of persons forced their way into his house and smoked tobacco! The petition states that James Dobb, of Wigan, mordant manufacturer, was a voter who polled for Mr. Ewart, —

That between five and six o'clock on the morning of the day of polling, about twenty of Mr. Kearsley's partisans went to the house of the said James Dobb, whilst he was in bed; and notwithstanding the resistance of his wife and persons she requested to aid her, some of them forced their way into the house and up-stairs, and some sat down in the house and began to smoke. That on resistance being offered by the constables and others called to protect Mr. Dobb, they were told by some of the partisans of Mr. Kearsley that it was of no use, as they were determined to have him away with them; and it was not until Mr. John Dobb, his brother, had been sent for, and had insisted upon the parties leaving the house, and threatened to stab the first person that offered to touch his brother, that the mob were induced to leave Mr. James Dobb's house. That there were other cases where voters' houses were beset, and the voters induced, by the fear of being forcibly removed, to leave their houses; and in other instances, parties were removed to a distance, and kept there for several days; and one, in which a voter was put to bed at the Eagle and Child inn, deprived of his clothes, and compelled to remain in bed from Wednesday night until Saturday morning.

Why, something like this occurs at every election. I dare say it has happened at my own; but, surely, it is no case for a select committee. The person who seems to have misconducted himself, is the person who threatened to stab the others. It appears, however, that these parties left the house of James Dobb; and I cannot conceive what legislative enactment we could pass to prevent the recurrence of such a proceeding for the future. A contested election never occurs, in which, within a few days after the contest, complaints are not made by one party of the other. If we consent to such a motion as the present, the House would be constantly engaged in tedious and expensive investigations, and in hardly any case a practical result would be arrived at. I cannot conceive what legislative enactment could be passed on this subject, which would not be found to be most oppressive and vexatious; and I must, therefore, express my decided dissent to this motion.

Mr. BROTHERTON. — Sir, in my opinion this is a case well worthy the consideration of the House. I know facts, myself, which, better than any arguments, prove the necessity for inquiry. In the borough which I represent there was, at the last election, a

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voter who had intended to vote for me forced away in a carriage, and kept at a distance until the poll had closed. I shall support the motion of my Honourable Friend, in the hope that the result will be the carrying of some legislative enactment on the subject.

The House then divided: — Ayes 86; Noes 81; —Majority against the motion 45.

AYES.

Aglionby, H. A.	Pechell, Captain
Baines, E.	Power, James
Barnard, E. G.	Pryme, G.
Berkeley, Hon. H.	Roche, W.
Brabazon, Sir W.	Scholefield, J.
Brotherton, J.	Stansfield, W. R. C.
Collins, W.	Steuart, R.
Duncombe, T.	Stewart, James
Easthope, J.	Style, Sir C.
Hector, C. J.	Thornely, T.
Hobhouse, T. B.	Vigors, N. A.
Hume, J.	Wakley, T.
Johnson, General	White, A.
Lister, E. C.	Williams, W.
Lushington, C.	Williams, W. A.
Marsland, H.	Wood, G. W.
Melgund, Lord Visct.	
Muskett, G. A.	*Tellers.*
O'Connell, D.	Ewart, W.
O'Ferrall, R. M.	Warburton, H.

NOES.

Acland, T. D.	Ingham, R.
Alsager, Captain	Inglis, Sir R. H.
Arbuthnott, Hon. H.	Irving, J.
Attwood, W.	Jones, Captain
Bagge, W.	Knightley, Sir C.
Baring, Hon. W. B.	Labouchere, Rt. Hon. H.
Blackstone, W. S.	Lincoln, Earl of
Bowes, J.	Lucas, E.
Broadwood, H.	Mackenzie, W. F.
Burrell, Sir C.	Miles, W.
Chute, W. L. W.	Miller, W. H.
Clerk, Sir G.	Molesworth, Sir W.
Corry, Hon. H.	Morpeth, Lord Visct.
Dalrymple, Sir A.	Murray, A.
Darby, G.	Nicholl, J.
Darlington, Earl of	Norreys, Lord
De Horsey, S. H.	O'Brien, W. S.
D'Israeli, B.	Packe, C. W.
Douglas, Sir C. E.	Palmer, G.
Dunbar, G.	Patten, J. W.
Dungannon, Ld. Visct.	Peel, Rt. Hon. Sir R.
Egerton, W. T.	Perceval, Colonel
Elliot, Hon. J. E.	Plumptre, J. P.
Filmer, Sir E.	Price, R.
Forester, Hon. G.	Richards, R.
Freshfield, J. W.	Rose, Rt. Hon. Sir G.
Gaskell, J. M.	Rutherfurd, Rt. Hn. A.
Gordon, Hon. Captain	Sheppard, T.
Goulburn, Rt. Hon. H.	Somerset, Lord G.
Greene, T.	Sugden, Rt. Hn. Sir E.
Grey, Rt. Hon. Sir G.	Talfourd, Mr. Serjeant
Henniker, Lord	Thomas, Colonel H.
Hodgson, R.	Vere, Sir C. B.
Holmes, W.	Verner, Colonel
Hope, Hon. C.	Waddington, H. S.
Howick, Lord Visct.	Ward, H. G.
Hughes, W. B.	Wilbraham, G.
Humphery, J.	Wilbraham, Hon. B.
Hutt, W.	Winnington, H. J.
Wyndham, W.	*Tellers.*
Wynn, Rt. Hon. C. W.	Fremantle, Sir T.
Young, J.	Hope, G. W.

COLONIAL LANDS SALES.

Mr. H. G. WARD. — Sir, I am aware of the difficulty, at a time when party spirit runs high, and party struggles occupy too many of those hours which ought to be given to the practical purposes of legislation, of inducing the House to give a patient hearing to a question, which not only has no party interest to recommend it, but which it is necessary to illustrate by a particular class of facts and details, that very few Members of this House are in the habit of attaching that importance to which, in my judgment, they deserve. Feeling this, and knowing how little it is in my power to impart any attraction to the subject beyond that which its intrinsic merits may command, I should have shrunk from bringing forward the motion of which I have given notice, if I had not felt that the question was one which not only ought to be brought under the consideration of the House, but which could not, in justice to the country, be any longer deferred. I admit that there are no hopes of legislating upon it during the present Session; but I call upon the House to fix the grounds upon which future legislation must rest, — to affirm the principles upon which the Government must act, — and to permit me to show what there is, in the establishment of those principles, interesting to the community at large, and more peculiarly so to that portion of the community, whose industry is their daily bread. No man who thinks at all, can look at the present condition of the working classes, the state of excitement that prevails amongst them, and the wild theories that have been broached by their leaders at the public meetings which have recently taken place, without feelings both of commiseration and of alarm. I have watched, narrowly, the course of the present movement; and when I look to the fact, that the peace of England has been endangered, during the last twelve months, by an agitation against property, against law, against society itself, — I think myself entitled to ask, even those who have least faith in the possibility of a remedy, whether any experiment which holds out the hope of a remedy ought not to be tried? Sir, I am convinced that no great popular movement has ever taken place without having economical causes at the bottom of it. It is physical suffering that engenders

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olitical discontent. In the present instance, this is pre-eminently the case. Chartism is a knife and fork question, — a bread and cheese question, as Mr. Stephens has called it, — an attempt to effect great social, through the medium of great political, changes — to acquire property by acquiring the franchise — to get rid at once of political disabilities and distress. We in this House know perfectly well that these hopes are illusory, and that the welfare of the working classes in this country depends, in a great degree, upon the preservation of that very artificial system which they denounce, and would destroy, if they had the power, to-morrow; since, without the assistance which capital and credit afford to the poorer classes in this country, they could not exist. In lieu of the comparative comforts which many enjoy, they would be left a prey to absolute starvation. But how convince them of this? How reason with empty stomachs? How persuade men who work fourteen, fifteen, and even sixteen hours a-day, for a pittance barely sufficient to sustain life, that there is not something unsound and rotten in a system which produces such results? And it must not be forgotten, that the sufferings of the poorer classes in this country are enhanced by the constant contemplation of the luxuries of the rich. They see every comfort and blessing that it is possible for wealth to purchase, or human ingenuity to devise, showered down upon the affluent, as if in mockery of their own distress, while they are entirely and hopelessly deprived of all anticipation of ever participating in blessings which they may learn to appreciate, but can never enjoy. I have visited many countries; and I have no hesitation in saying, that in no part of the world does there exist such a fearful distinction between the richer and poorer classes as here, — in no country is the line of demarcation between them so rigidly drawn and so seldom crossed, — in no country are the extremes of wealth and poverty brought into such fearful and dangerous juxtaposition. I can well understand, under these circumstances, how the feelings originate with which the Chartists have been taught to regard what they term the "property classes" in this country. Feelings of jealousy, hatred, and distrust have been excited against all who possess property amongst us; and a belief has been engendered in the minds of the labouring classes that we are money-mongers, profit-mongers, bloodsuckers, — men who would grind the faces of the poor for their own unworthy ends. Expressions of this kind are invariably applied to the property classes by the Chartist orators and the Chartist press; so that those who have nothing are induced to regard as their natural enemies all who have anything to lose. Much ingenuity has been shown by some of the Chartist leaders in enforcing these doctrines by the most singular misapplication and perversion of scriptural texts. Every one must have observed this, who has been in the habit of reading the productions of the Chartists; for it was only in a newspaper of Sunday last, which advocates their principles, that I saw a most singular interpretation of the text, "Be ye fruitful and multiply, and replenish the earth, and subdue it," — which was construed not only into a permission, but a command, to every man of the age of twenty-one, to marry, whether he could support a family or not, with the assurance that, if labour failed him, he might claim as his inheritance a portion of the land. He was told that, if he could not obtain the means of subsistence otherwise, he was justified in demanding, or taking it, from the produce of the land. This feeling has been encouraged still more by the language of persons who have refused to countenance the resort to physical force or other outrage. An Honourable Friend of mine, whom I regret to see not in his place, — I mean the Honourable Member for Birmingham, — who has always kept honourably aloof from the violent proceedings of the Chartists, has, nevertheless, given the sanction of his authority to some of the extravagant opinions which they put forth. He has said, that it should be in the power of every man to procure "a fair day's wages for a fair day's work, and a full day's wages for a full day's work." Now, I cannot help expressing my regret at finding such a doctrine maintained by such a man, who has thus given the sanction of his name to what I cannot but regard as a gross politico-economical heresy. It may be said that the diffusion of education would put a stop such errors; but we have not time to wait for the result of education, when opinions like these are generally entertained. I listened with deep interest to the opinions expressed on the subject of education, the other night, by my Honourable Friend the Member for Liskeard; but, looking to the state of so large a portion of the population, I should like him to explain how we can expect to educate men whose lives are spent in procuring the means of living from day to day? What is the state of the population employed in the factories? They are engaged in long hours of wearisome toil every day of their lives, and in procuring

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food for the body, have no time to think of food for the mind. The handloom weavers are still worse off. I recollect, in the debate on the corn laws, I referred to the case of a man named Marsden, which made much impression on the House; but several Honourable Members immediately asked me whether this man was not a handloom weaver — when I had described the privations endured by him; and on my answering in the affirmative, many turned away, as if they were not surprised at such sufferings when they heard the occupation of the man. But are the handloom weavers "Pariahs?" Are they outcasts from society? Are one million of human beings to be exposed to such sufferings without pity or prospect of relief? It is now well ascertained that their distress is not caused by the mere competition with machinery; for it was proved before the commissioners appointed to inquire into their condition, that one great cause of the pressure on the handloom weavers is, the competition that exists in the trade itself. It was called by Mr. Symons "the common sewer of our industry," because so easily acquired, and, therefore, always overstocked. But how are we to bring education to bear upon men whose condition is so wretched, yet who form such a large mass of the population, as they amount in number to upwards of one million? Mr. Symons, in his report upon their state and prospects, says, —

> When a man's whole faculties are strained to the utmost, from sunrise to sunset, to procure a miserable subsistence, he has neither leisure, aptitude, nor desire for information. He is assimilated to the beasts of burden, and gradually partakes of their animalism; for, in the degree in which extreme privation bars out civilisation and refinement, is scope given to each brutalising impulse and passion.

He says, also, —

> There is a total decay of reading amongst them — that there is little scope for the exercise of prudence — and that religion has lost its influence, — as their only care and anxiety is how to procure their daily meal. Their children are growing up in a state of semi-barbarism, and yet they have the strongest desire to educate them. There is no communication between them and the wealthier classes; for rarely do the language of sympathy, or the kindlier influences of charity, gladden their damp and dreary dwellings.

The pressure is very great on other classes as well as the handloom weavers. If we inquire, we shall learn that in the factories the hours of labour are increasing, while the amount of wages is gradually growing less. If we go to the agricultural districts, more particularly in Devonshire, we shall find that wages during the last winter were only 6*s.* or 7*s.* a-week, while wheat was 10*s.* a bushel. Again, what is the condition of at least one half of the human race in this country? We are in the habit of boasting of being a moral country, and of the distinction and care with which women are treated amongst us. Yet in no country, with which I am acquainted, does there exist so vast a mass of female misery and degradation as here. Not more than one woman out of three can marry at an early age, because such is the pressure of population upon the means of subsistence that not more than that proportion of men can afford to do so. Employment of any kind is so difficult to be procured by females, that, after working sixteen or seventeen hours a-day at needlework, they hardly obtain sufficient to give them a bare subsistence, — I believe not more than 8*d.* a-day. The consequence is distress and prostitution to an extent, and beginning at an age, unheard of in any other Christian community. Thousands, every year, are running their brief career of misery, drunkenness, disease, the canal, or the unknown and unhallowed grave. This is the fate of a large portion of that sex which we profess to love, to honour, to revere, and which, under happier circumstances, sheds the brightest influence over our lives. Sir, these things may shock delicacy, and wound national pride; but they ought to be known. They are truths that must be told; for they are part of the system with which we have to deal, and of the evils that we have to remedy, if we wish to avoid the danger of what are termed revolutionary principles. Revolutionary principles are harmless in a sound and healthy state of society; but they become highly dangerous when put forward in a state of things like that which this country now sees, — when men in a condition of intense suffering and poverty, add to ignorance an organisation of numbers, with little or nothing to hope from things as they are, and are, consequently, prepared to welcome any and every change. Among the population of this country there is an immense mass of disaffection arising out of physical suffering, combined with ignorance, — with a consciousness of civil and political rights, a sense of injustice done, and a hopelessness of redress, which give a most formidable character to the present movement. But it is said, "Oh, we can easily stop this movement, and put down the Chartists." No doubt it is easy to suppress any temporary acts of violence; but Chartism

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cannot be put down in this way. The Legislature can only deal effectually with Chartism, by going to its source, and by removing, or mitigating, the pressure which occasions it. It is an evil of a purely economical character — a social evil, — the growth of freedom, not of political abuse. It is not an evil which has arisen from bad government or bad laws; it would be impossible to point out any law, the removal of which would place the working population of this country at once in a healthy state. It is to be traced clearly to the disproportion between our population and the field for the employment of labour, in spite of the thousand channels which capital and credit have opened to our industry. And not only in the humblest classes does this disproportion exist. The church, the bar, the army, the navy, trade, — all are subject to it. Every department is overstocked. There is but one prize for one hundred blanks. Profits are less; the demand for educated labour is less; for every opening there are twenty competitors. No man can rise above his original position in the world, and the most persevering industry is often cheated of its reward. Even the wealther portion of the community, though placed far above the reach of poverty, feel the pressure, to some extent, for their children and connections, if not for themselves. The picture, Sir, which I have drawn, is not an exaggerated one. I have no wish to exaggerate it. It is a picture which no lover of his country could contemplate without deep distress, if the hope of alleviation were limited to the confines of the British islands. Fortunately, however, this is not the case. There is another and a mightier resource available,—a resource to which I have referred in my motion this evening. I believe this resource to be an almost inexhaustible one. And why? Because it consists in a proper disposal of the waste lands in our colonies, and is limited only by their extent. And what is that extent? Look at the British colonial empire — the most magnificent empire the world ever saw! The old Spanish boast, that the sun never set in their dominions, has been more truly realised amongst ourselves; and not only do we possess in our colonies every possible variety of climate and of soil, but the power of producing almost every article of which our manufacturing industry stands in need. These are the treasures that Providence has bestowed upon us. To what account have we turned them? How have these materials of wealth been dispensed? Have colonies been regarded as an integral part of the empire — a place of refuge for thousands, who are wasting their lives in profitless labour, here? No; there has been no principle, or system, or plan, in our colonial policy, at all. Government has simply looked on the colonies as a field for patronage, and the Legislature has regarded them as a source from which contributions to the revenue might be drawn. The Legislature has done nothing. The Government nothing. Whatever good has been achieved is due to individual enterprise, and to individual enterprise alone. But surely the land in our colonies is intended to serve higher and better purposes than those to which I have referred. What are termed the "waste lands" are emphatically public lands, — the inheritance, the patrimony of every poor man in England, Ireland, and Scotland, who pays allegiance to the Crown, — and as such I claim them. They are a trust, which the Government of this country is bound to administer for the public good; and, further, so to administer as to afford the means of reaching the colonies, if they desire it, to all those whose poverty, not their will, binds them to our shores. Fortunately, the attainment of this great object is attended with little difficulty. In the first place, you cannot introduce any sound, or equal, or practical system of dealing with the lands in the colonies, without creating a revenue from them; and, judging from the result in other countries, in which the experiment has been tried, this revenue must be very large. Take, for instance, the United States, which are situated somewhat like ourselves in this respect. In forty-two years, they have realised from this source a sum of not less than seventeen millions sterling, while, during the very period in which they have been doing this, with incalculable national advantages, our waste lands have remained waste lands in every sense of the word. Yet the American colonies — (for theirs are colonies as much as ours, there being no essential difference between an emigrant's going to the back settlements from the coast towns of the United States) and his going to Australia from England, — so far from having been retarded by what might appear to be a heavy tax, have actually flourished, not only in spite of the tax, but, in fact, in consequence of it, to a degree which is quite unprecedented in the history of the world. They have advanced, by the most rapid strides, to wealth, power, and internal comfort. New towns, new states, have everywhere sprung up; while, on the

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other hand, the land in our colonies, which has been most lavishly granted for the most unwise purposes, has produced no revenue, created no wealth. Our settlers are few, and full of just complaints.

Sir, I cannot help thinking that this lamentable contrast, in itself, sufficiently bespeaks the fact, that there must be some fundamental error in the principle on which we have proceeded. That fundamental error was pointed out, some ten years ago, in a work called *England and America*, the author of which is now known to be Mr. Gibbon Wakefield; — a work, which — whether I look to the admirable clearness with which the theory of colonisation is developed in it, the vast array of facts brought to bear upon it, or the great practical results to which it must lead — all the offspring of one man's mind — I cannot but regard as an honour to the country and the age. I only trust that the theory, thus developed, will be taken up and acted upon by the Government of this country on a large scale, and within the shortest possible period of time. Mr. Wakefield, in his *England and America*, lays it down as the first principle of colonisation, rightly understood, not to disperse labour, but to concentrate it; to keep the population together, so as to secure for the colony, from the first step in its career, the advantages of co-operation, and of a continuous supply of combinable labour. He has shown, further, that some pressure from without is necessary to produce this effect — to check the natural tendency of every man who emigrates to a new country, from one, where people are plentiful and land scarce, to become a proprietor of land himself, under the idea, which he carries out with him, of the value attached to land in his own country; forgetful that land, without combinable labour to employ upon it, is of no more value than the sky above, or the sea around it.

The consequence of this fallacious tendency, wherever it has been indulged, has been, to isolate the settlers — to divide labour into fractional parts, — the single pair of hands of the single individual, — to prevent combination, exchange, or progress of any kind. All history, all experience prove that, when once a colony is suffered to fall into this state of stagnation, it never advances. Where there is a dispersion of settlers, there can obviously be no co-operation, and, consequently, no improvement. Nova Scotia is a proof of this, amongst our own colonies. The Gauchos of the Pampas are another. The Spaniards, there, are precisely what their forefathers were before them, 300 years ago; and if there are other colonies, which have not shared this fate, it is because the successors of the original settlers, being men of greater energy and capital, have corrected the vice of their position, by having recourse to the labour of slaves, in default of a supply of free labour; by the aid of which slave labour, they have raised a vast amount of exchangeable produce, and created an abundant trade. This is the real history of slavery, which, in a certain state of society, steps in to supply the place of that hired labour, which capital can always command in a country where people are plentiful, and land scarce, but which no capital can command in a country where this proportion between land and people is reversed. Hence, too, it is that the colonies of all nations have undergone, in their infancy, the curse of slavery; for, even where black slavery is not practised, there is white slavery to supply its place. To this day there is white slavery in Australia, and it produces an infinitely worse moral effect than the black slavery, which it has cost us twenty millions to get rid of in the West Indies. At the present moment, however, but for the white slavery, which is called the convict system, in New South Wales, that colony would be absolutely ruined, as it has no other combinable labour at all.

What is the remedy for these evils? To change the system — to create a sufficient check on the power of acquiring land — to secure the advantages of combined labour at once — to prevent the poor emigrant from becoming, upon his landing, a poor and useless landholder; and to prevent the capitalist from surrounding himself with a desart which he has no means or hope of cultivating. There must be a power somewhere to give land, and a power to withhold it. In whom should this power be vested? — in the Government or the individual? Both are bad. If we vest the power in the Government, a glance at all past colonial history shows what the result will be. If, on the other hand, it be vested in the individual, a few selfish persons, acting upon the true dog-in-the-manger principle, may take possession of a great tract of country, and shut out all other settlers from it. There must, therefore, be some established principle, some fixed rule, by which all parties are bound; and I believe that the more this subject is investigated, the more it will be seen that there is no fixed rule so fair, so equal, so just

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in its operation, as between man and man, as "price." Price is the only basis on which a sound principle of colonisation, in reference to the disposal of waste lands, can ever be founded. True, — price may, and will, vary according to the circumstances of each colony; as, for instance, the price of land in the West Indies, where half an acre of land suffices to support a family in abundance, must, under any system, be more than the price of land in Canada; but the principle is, that the price of land in every instance should be a "sufficient" price to secure to every capitalist a supply of hired labour, while it holds out to the labourer the prospect of such wages as will enable him to become, in turn, a capitalist, himself.

Upon this part of the subject I may be allowed to quote two passages from a very able circular addressed by the Government to the Governors of the West Indian Colonies, in January, 1836. The circular said, —

> In order to prevent this (the indisposition of the apprentices to work for hire), it will be necessary to prevent the occupation of any Crown lands by persons not possessing a proprietary title to them, and to fix such a price upon Crown land as may place them out of the reach of persons without capital. The natural tendency of the population to spread over the surface of the country, each man settling where he may, or moving from place to place in pursuit of virgin soil, is thus impeded. The territory, expanding only with the pressure of population, is commensurate with the actual wants of the entire community. Society being thus kept together is more open to civilising influences — more directly under the control of the Government — more full of the activity which is inspired by common wants, and the strength which is derived from the division of labour; and altogether is in a sounder state, morally, politically, and economically, than if left to pursue its natural course.

Sir, it is my conviction that these principles, fairly worked out, will produce, everywhere, the proper proportion between land and people, give the fullest scope to industry, and the greatest encouragement to exertion. They will secure a rapid advance, and render the colony to which they are applied equally attractive to the capitalist and to the labourer, by insuring to the one high wages, and to the other high profits, while they will give to every man fair play. The field of employment will be always ready to expand, but not too rapidly.

If we look only to the colony, then, leaving the mother country out of the question, it is desirable that a price should be affixed to land. But the interests of the mother country are not less concerned. A price cannot be put on land, without producing a revenue; and this revenue, if applied, in a sound way, to the purposes of emigration, affords the best emigration fund that the mother country or the colony could desire. By securing a certain supply of labour, it encourages the capitalist in the mother country to invest capital in land, while the more land is bought, the more labour can be supplied. Indeed, in the regulations of the South Australian Colony, which is founded on the principles that I am now advocating, I find the word "price" defined to be "a contribution to the emigration fund," and it is stated by the commissioners as the proud distinction of the colony, that "this is the sole condition on which land can be obtained there." As to the probable amount of this emigration fund, having no experience of our own to guide us, we must look again to the United States, and inquire what has been the system pursued there, and what the results. In the first place, I find that the right to all lands, with some exceptions in the old Atlantic states, is vested in the federal Government by Act of Congress. That Act of Congress has been at the bottom of all the good which the system has produced. There is one uniform price fixed of 1¼ dollar per acre, — a price which has been considered too low by the economists best informed on the subject. No credit is given. There is a perfect liberty of choice and appropriation at this price. Immense surveys are carried on, to an extent which strangers have no conception of. 140,000,000 of acres have been mapped and planned, at a cost of 2,164,000 dollars. There is a general land-office at Washington, with forty subordinate district offices, each having a registrar and a receiver, with salaries of 500 dollars, and one per cent. upon sales. Maps, plans, information of every kind, are accessible to the humblest persons. There is also the best check on the proceedings of these offices, by the means of annual reports to Congress; while, at the same time, every facility is given to individual enterprise. A man, if he pleases, may invest a million of dollars in land. If he miscalculate, it is his own fault; the public is, under any circumstances, the gainer. What has been the result of this system? Since 1795, when it was first established, the amount actually realised and paid into the public treasury has been 84,000,000 dollars. The national debt is paid off. There is a surplus revenue to divide; and these results are perfectly intelligible when we look to the produce of the land sales since 1795.

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	Dollars.
In 1796 the proceeds were only	4836
1811 . . .	1,040,237
1819 . . .	3,274,422
1835 . . .	11,000,000
1836 . . .	24,000,000

These are the pecuniary results of a system of disposing of waste lands by sale, fairly and honestly carried out. The moral results, if I may so term them, are equally great. The whole of the western wilderness of America has been converted into the most thriving combination of states that the world ever saw, full of the elements of prosperity, public and private, — fast increasing in population, wealth, happiness, and power. How melancholy a contrast does this present to the state of things which a contrary system has produced amongst ourselves! What was the English system up to 1831, when some beneficial changes were made in it? There was no Act of Parliament for regulating the sales of these lands — no responsible board or officer — no land offices — no information to be had — plenty of surveyors in the colonies, well paid; but no surveys, no maps or plans — no publicity — contradictory regulations constantly emanating from the Government, as to the disposal of land, all in force at the same time; the public lands, in short, were regarded as a sort of secret service fund, out of which lavish grants were made to any individual who happened to possess political or personal influence at home. The whole system was a system of favouritism and jobbing; and, as a necessary consequence, the public derived not one shilling of advantage from all these lands, while to individual colonists the system was equally fatal. I might mention many instances of this, but I will content myself with one — the case of the Swan River. Never was there a colony founded with more legitimate purposes or with higher hopes. A cousin of one of the Ministers of the day (Mr. Peel) was at the head of it; he took out a capital of 50,000*l*., which was invested in stock, seeds, agricultural labourers, and implements of various kinds. Many highly respectable individuals were joined with him in the undertaking; but all these advantages were neutralised and destroyed by the absurd principle on which the land was then disposed of. Mr. Peel began by taking to himself a grant of half a million of acres; the Governor took 100,000 acres; another person 80,000; and so an embryo right of proprietorship was spread over half the colony before a settlement of any kind was formed. In addition to these grants made in England, land was sold in the colony at 1*s*. 6*d*. an acre; and the consequence of these contradictory proceedings was, that the labourers who went out with Mr. Peel deserted him, and dispersed themselves over the wilderness; the stock was destroyed, the seeds rotted on the beach, and the colony itself was only saved from starvation by liberal supplies from the neighbouring colony of Van Diemen's Land. But in 1831 a new system was introduced; and certainly I cannot speak of that system in the presence of the Noble Lord the Member for Northumberland without expressing my thanks for the service which that Noble Lord has rendered to the cause of common sense, and to the public interests, by the part he has taken in reforming the mode in which the Crown had previously disposed of the waste or public lands. The Noble Lord has given up a great deal of what was most exceptionable in the former system. He introduced a system of sales in the colonies. He laid down a general rule that there were to be no further grants of land in any place, to any person, of any class, whatever his influence might be, — a fair and equal principle, as far as it went. My only complaint against the Noble Lord is, that his principle does not go far enough, and that, even as far as it does go, it has not been honestly worked out. As to its not going far enough, the first objection to which it is open is, that there is no guarantee for permanency, no stability, no Act of Parliament, no responsibility — that it is considered as mere waste paper in America — and that it is subject to be changed with every change in the Colonial Office, since it is upon the will of the Ministers of the day that it is made to depend; and when the House reflects how many changes have occurred in that department in the course of only the last ten years, it will, I think, admit that anything which is to be called a national system should not rest on so precarious a foundation. Since 1830 — that is to say, in nine years — there have been no fewer than seven Colonial Ministers: Sir George Murray, Viscount Goderich, the Noble Lord the Member for North Lancashire, the Right Honourable Gentleman the Chancellor of the Exchequer, the Earl of Aberdeen, Lord Glenelg, and now the Marquess of Normanby; and he must be a bold man who would predict who will be Colonial Minister in June, 1840. Now, no two of these Ministers have agreed precisely upon the application of the principle which Lord Ripon introduced. The Chancellor of the Exchequer, when Minister for the Colonies, undid a

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great part of what Lord Ripon had done; but, in return, he gave a charter, on very sound principles, to South Australia, which his predecessor (Lord Stanley) had refused. The first step in the Right Honourable Gentleman's colonial career, however, was to devote a large portion of the funds arising from the land sales in New South Wales to colonial purposes, — to colonial police, for instance, — and not to emigration. Upon this subject, Dr. Lang, in his excellent work, makes these observations: —

> It was thus virtually enacted by the Secretary of State for the Colonies, that a large portion of that revenue, which had been so unexpectedly and beneficently created, as if by the immediate interposition of the providence of God, for the counteraction of the enormous moral evils that had resulted from the past mismanagement of the transportation system in Australia, and for insuring the moral welfare of these colonies in all time to come, through the importation of virtuous and industrious free emigrant families from the mother country, and to the exclusive application of which to that object the inhabitants of New South Wales were looking with intense anxiety, should be applied towards the perpetual maintenance of the colony as a mere gaol and dunghill for the British empire.

Sir, if this fact be true, — and I am certain that it cannot be denied, — I must tell the Noble Lord the Member for North Lancashire, that I consider it a misapplication — a bastard application, of the principle which was sanctioned by him in 1831; and I feel myself entitled to call upon him to assist me in insuring to it the fair trial which it deserves. The Noble Lord understands the principle too well not to see the absolute necessity of giving a parliamentary sanction to it, before it can be worked out to any practical extent. He knows that the land sales must be anticipated before we can judge of their probable amount; he knows that competition for land, if it is to produce any extensive or beneficial results, must not be confined to the colony — that we must bring Englishmen, and English capital, into the field, as well as colonial capital. Besides, we are bound to consider the peculiar position in which our colonies are placed. We have no backwoods, no continuous communication with the colonies; we are separated from them by a great gulf, which the poor cannot pass over unless they are assisted. We must bridge it over for them — we must give them a conveyance, if we wish to take them there; and this, on a sufficiently large scale to effect what is wanted, both in the colony and here. The actual produce of the land sales will not suffice to do this; but they will serve as an ample security for any money which may be required for the purposes of emigration, so as to bring the system into practical operation at once, if we have an Act of Parliament as a guarantee. What, for instance, might not the United States raise upon a branch of their revenue, which has produced four millions sterling in one year? If we wish to equal America — if we wish to give the same impetus to our population, we must adopt her system — we must pass an Act of Parliament as she passed an Act of Congress — we must create a responsible Land Board — we must give to all classes the same advantages and facilities; and then, but not till then, we may arrive at the same results. With an Act of Parliament, there will be no lack of capitalists to put the machinery in motion. The security is known, and liked, in the British money market, already; and well it may be, since the whole loan is spent in adding to the value of the security. The land sales in New South Wales, though the land is sold at a most inadequate and insufficient price (5*s.* an acre), while land in South Australia is selling at 20*s.*, without the aid of English competition, or an adequate supply of labour in return, have realised a very large sum.

	Acres.	£
In 1832, we sold	20,860 for	6,513
1833 . .	29,001 .	12,528
1834 . .	91,399 .	28,589
1835 . .	271,945 .	87,097
1836	.	105,464
		£240,091

Now, 240,000*l.* would be a security for a million of money, if required as an emigration fund; but not without the aid of Parliament. What, then, is the objection to the interference of Parliament? It may be said that it is an invasion of the prerogative of the Crown; but the prerogative of the Crown, in this matter, simply means that the Crown is intrusted with the administration of the waste lands for the public good. It is a great and responsible trust — it is a moral trust; and I ask the Government, and more particularly my Right Honourable Friend the Under Secretary for the Colonies, whether, standing in the position in which he stands in this House, he can, without a blush, make himself responsible for the manner in which the prerogative of the Crown has hitherto been used? I ask him to look at the contrast between two cases — between the case of Canada, where the prerogative has exercised its virtues to the fullest conceivable extent,

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without check or limitation of any kind; and the case of South Australia, where the prerogative was very wisely waived. With the leave of the House — if I am not already tiring them — I will refer to those two cases more particularly. I wish that all the facts should be before the House, in order that it may the better judge of the results, which the exercise of the prerogative will inevitably produce. The House will find, in the contrast between Canada and South Australia, some encouragement to give extension to the principles of colonisation for which I am contending. Canada was specially excluded by my Right Honourable Friend the Judge Advocate (Sir George Grey) from the inquiries before my Colonial Land Committee in 1836.

The abuses in Canada had arisen long before my Right Honourable Friend had become connected with the colonial administration; and I am convinced that my Right Honourable Friend's only motive was, for the sake of the country, to prevent disclosures which he knew must be made. Unfortunately, however, for my Right Honourable Friend's views, Lord Durham's Report has since been published. Lord Durham has investigated the whole case, and has declared the result of his inquiries. There is, therefore, now no hope of preventing a disclosure of the real facts, however discreditable they may be to this country in the eyes of the civilised world. And what is the inference that must be drawn from the statements of Lord Durham? Why, that the land question is mixed up — closely and inextricably mixed up — with the whole history of our difficulties in Canada. The strongest dissatisfaction exists there with the manner in which the prerogative has been exercised, with regard to the disposal of land. The system adopted has been one pernicious to the colony, and useless to us. In the evidence taken before the commission, of which my Honourable Friend the Member for Liskeard was at the head, there is nothing to be found but a tissue of peculation, jobbing, mismanagement, and favouritism, countenanced by all the responsible officers of the Crown, by legislative councillors, by the Government themselves,—every man, in fact, who had any influence, trying to make something out of land, to the ruin and destruction of everybody else. And what were the results? In Upper Canada, out of 17,653,000 acres which had been surveyed, there remain only 1,597,019 acres unappropriated, 450,000 of which are required for roads. In Lower Canada, out of 6,169,963 acres surveyed, no less than 4,500,000 have been alienated. In Nova Scotia, of 6,000,000 acres surveyed, 5,750,000 are alienated. In Prince Edward's Island, it appears from the evidence, that 1,400,000 acres were alienated in one day, in blocks of from 20 to 150,000 acres. The greater part of this land has been granted to persons who have never taken possession of it at all, though, upon the true dog-in-the-manger principle, they excluded every one else. Three millions of acres are left to this day as clergy reserves, and Crown reserves, scattered over the whole surface of the colony, and operating as a bar to all improvement. Not one tenth of the land thus wantonly squandered has ever been occupied; and not one tenth of the part occupied has been brought into cultivation. I find, moreover, that the whole system of surveying in Canada has been conducted with the same reckless expenditure of means, and with the same unsatisfactory results. I find one gentleman receiving a salary of 500*l.* a-year for ten years, for superintending the sale of 100,000 acres of wild land. All titles are doubtful, in consequence of the inaccuracy of the surveys. Every duty of a Government has been badly performed, while the country has been put to an enormous expense. With respect to emigration, of which the Noble Lord the Member for Northumberland spoke in terms of very strong approbation, so far, at least, as the emigration agents were concerned, on the occasion of the discussion upon New Zealand last year, — with respect to emigration, I find Lord Durham distinctly stating, in his Report, that nothing can be more inefficient, or worse, than the system of emigration to Canada, as now conducted. There is great mortality in the emigrant ships; great distress on landing; no sort of interference by the Government on behalf of the emigrants; no attempt to make provision, or give assistance, during the time that assistance is most required. The people in the interior of the province are dispersed, and isolated, from the want of roads. Most of the settlers are exceedingly poor. The markets are few, and almost inaccessible. There are no schools; and the clergy reserves fail to afford the consolations of religion to one half of the population. The colony is in a state of complete stagnation and decay. The farmers are ruined by the loss of their capital, through the want of the communications which they ought to have; and, of the emigrants from this country, not less than three fifths have been forced to re-emigrate to the United States, who

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gain by our mismanagement in population, and national wealth.

Such is the state to which the prerogative has reduced one of our finest colonies — a possession which, under happier auspices, might have been one of the most brilliant appendages of the British Crown. We have no means of getting over the difficulties which have been created by our own folly, but by retracing our steps. We must act upon the system which Lord Durham has, with so much firmness and acuteness, recommended. We must impose a tax on wild land, sufficient to bring a portion of it every year into the market, by making it too dear to keep; and we must, then, apply a sound principle of colonisation, and emigration to the Canadas, as the only way of making amends for the immense evils inflicted by the bad system which has been pursued up to the present time. I ask my Honourable Friend the Under Secretary for the Colonies, whether he can gainsay one word of the statement which I have made as to the system adopted in Canada, by each successive Government, for the last sixty years? My Honourable Friend cannot do it. When he stands up, he must admit, not only that the whole of those evils exist, but that they have been produced by the manner in which the prerogative has been hitherto applied to the disposal of land in that colony. But have we no example of an opposite system to look to? Yes; we have the example of South Australia, where the prerogative of the Crown has never been allowed to interfere. And I must now beg the attention of the House to the facts which I am about to state, respecting this colony, as they are extremely curious. South Australia was founded on the 15th of August, 1834, by an Act of Parliament. The Commissioners of Crown Lands were appointed in May, 1835, and the first vessel was chartered on the 24th of March, 1836, — three years ago, — at which time South Australia was a desert, on which a human foot had hardly ever trod. What is its condition now? The sales of land in South Australia, up to the present time (24th of June, 1839), were —

Acres.	Amount.
60,643, at 12*s.* per acre . .	36,404*l.*
88,095, at 20*s.* ditto . .	88,095*l.*
148,738	£124,499

These were principally sales effected in England; but the total includes the sales effected in the colony, up to the 22d of January, 1839, which amounted to 22,000*l.*

As to emigration from this country, it appears that 7482 persons have gone out, in seventy-one vessels of 39,107 tons, at a cost of about 18*l.* for each adult. Adding to these 900 Germans, and about 600 emigrants from the neighbouring colonies, the total would be 8982. The population of South Australia, therefore, is, probably, by this time between 9000 and 10,000 souls. In the port of Adelaide, the number of vessels which entered the harbour bearing the British flag, in 1838, was 101. The rise in the value of land in Adelaide is something perfectly incredible; but it only corresponds with the increase which the colony has made in every other respect. Captain Hindmarsh, the first Governor, purchased two rural sections of 134 acres for 80*l.* each. They were sold, when he was leaving the colony, for 1000 guineas each. The town of Adelaide now contains 700 houses of stone, brick, wood, and pisé, and about 300 mud and rush huts, according to the latest returns. Single acres, in Adelaide, have been sold for 1000*l.* each. The twentieth part of one of these acres, which cost originally 12*s.*, was recently sold for 70*l.* Mr. John Rigge, a proprietor of the town, lets a town acre at a rent of 50*l.* per annum. Others have realised higher profits on their purchases. The half of one of Captain Hindmarsh's town acres has been let at 50*l.* per annum, and an Honourable Friend of my own, who was amongst the earliest of the fortunate adventurers in South Australian lands, has informed me that he has just let a town acre, for which he gave 12*s.*, in 1835, to a highly respectable and responsible tenant, at an annual rent of 100*l.* The ordinary profits of sheep farming in the colony are estimated at 80 per cent. There are two banks in Adelaide, and a third is in progress. We have, now, South Australian packet ships, — a South Australian Railway Company with a capital of 25,000*l.* for constructing a railway from Adelaide to the port, about six miles; and, in addition to the two South Australian newspapers established in the colony, we have the *South Australian Record*, in England, which has a circulation of 2000 numbers every month, among those who take an interest in the new sources of prosperity which colonisation is opening to this country.

Now, I entreat the House to contrast these facts with the statements made by Lord Durham, with regard to Canada, a few months ago. The new principle of colonisation in South Australia has been fairly tested, and the increase of the land sales in 1838, as compared with 1837, is

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the best proof of its soundness. The money realised by sales of land in the last five months of these two years was as follows: —

	1837.	1838.
August .	£480	£4,640
September .	160	2,960
October .	480	2,640
November .	560	1,760
December .	480	11,400

Now, it is my desire to see the principles acted upon with regard to South Australia universally applied. I want to see them applied to all colonies in which they can be fairly brought into operation; but they can only be applied to other colonies in the same way, — namely, by an Act of Parliament. It is not a thing that prerogative, without the interference of the Legislature, can do. I insist on this point the more, because it is one on which her Majesty's Ministers seem to entertain a doubt. Without an Act of Parliament the system is worthless as regards the public at large: it never can produce anything but half measures on the part of Government, and the most unsatisfactory and insufficient results. I may be told that the question of jurisdiction is full of difficulty. No doubt it is. Difficulties may be raised which it will require some management to meet. But the right of the mother country is unquestionable, for the sovereignty of a colony is never abandoned by the parent state. It is not enough that men have been located upon one portion of a colony in order to have a claim over the remainder. The colonists have their rights within the limits of the settled lands, but the home Government retains its original rights; and in giving a local Government to those who occupy part of the lands of a colony, it by no means follows that the inherent rights of the Crown to deal with the waste land which remains is given to them, also. The right of disposing of it is not delegated to any number of settlers, or to any colonial Legislature that may be formed. But, suppose there be a disputed jurisdiction: we know from Lord Durham's Report that the colonial Legislatures would gladly concur in the introduction of a sound system of colonisation, in which they would have as great an advantage as the mother country. In fact, they claim the sovereignty over waste lands only in the hope of preserving them from abuse, and as a security against jobbing. The present system is just as destructive to them as to us. The question of jurisdiction may, therefore, be very easily settled by the concurrent action of the Imperial Parliament and the colonial Legislature, if the Government be willing to act upon any defined and intelligible plan. We must always retain a great control over the colonies, because they want the stream of emigration which it is in our power to direct upon them. Over emigration, at all events, the mother country has perfect control. If Canada interpose difficulties in the way of a sound system of colonisation, this country may direct its emigration to Australia. England is, in fact, bound to direct her emigrants to those places in which, as colonists, they will be enabled to apply their energies in the most effective manner, and to derive from their labour the most ample reward. It is perfectly clear that we have duties as a nation to discharge towards emigrants, whom we induce, on the faith of our representations, to forsake their native land. There is one passage in Lord Durham's Report in which he lays down the full extent of the national obligations towards colonists in the strongest terms. After speaking of the disasters to which emigrants to Canada have been exposed, Lord Durham says, —

> In the Report on emigration, to which I have alluded before, I find favourable mention of the principle of intrusting some parts of the conduct of emigration rather to "charitable committees" than to an ordinary department of Government. From this doctrine I feel bound to express my entire dissent. I can scarcely imagine any obligation which is more incumbent on Government to fulfil, than that of guarding against an improper selection of emigrants, and securing to poor persons disposed to emigrate every possible facility and assistance, from the moment of their intending to leave this country to that of their comfortable establishment in the colony. No less an obligation is incurred by the Government, when, as is now the case, they invite poor persons to emigrate by tens of thousands every year. It would, indeed, be very mischievous if the Government were to deprive emigrants of self-reliance, by doing everything for them; but when the State leads great numbers of people into a situation in which it is impossible that they should do well without assistance, then the obligation to assist them begins; and it never ends, in my humble opinion, until those who have relied on the truth and paternal care of the Government are placed in a situation to take care of themselves.

In this doctrine I entirely concur; and I hope that, whenever the question is dealt with by the Government, as it will be, and must be, eventually, this portion of the subject, which is most important, since it relates to the wellbeing of thousands of humble individuals who have not the information necessary to enable them to protect themselves, will receive the most anxious and ample consideration.

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The Government, however, both in this, and in its mode of dealing with the waste lands, has only, in my opinion, to act on a sound and intelligible principle, to insure the hearty concurrence of the colonial Legislatures.

I have stated, in my resolutions, that a separate department would be required to take charge of the details of the plan. My Honourable Friend the Under Secretary for the Colonies will admit that, with the manifold duties which the Colonial Office has already to discharge, it would be utterly impossible to add to them a task of such magnitude. It is a task which will require the time and ability of many able men. The interest and feeling about emigration are now universal. That feeling the Government may guide, but cannot dam up or control. We find, now, in this country,—what has not been seen, before, for the last two centuries,—men of high connections and family interesting themselves in colonisation adventures; disposed to give up the refinements of highly civilised life, with the dependence which is the lot of younger brothers in this country, whose energies can find no outlet in our over-crowded professions, and prepared to carve out their fortunes in the wilderness. Why should they not have full scope for these feelings, highly honourable and manly as they are, and not only honourable to themselves, but beneficial to us?

My Honourable Friend the Under Secretary for the Colonies, and the Noble Lord the Member for Northumberland, know that the Government cannot check the tide of emigration. Last year Ministers were entreated to take into their own hands the guidance of the movement by which New Zealand is about to be colonised; and, had they consented, they might have prescribed the conditions, and laid down the rules, by which all parties would have agreed to abide. They refused, however; and what is the consequence? New Zealand is colonising itself. Enterprise and energy in this country cannot be repressed by the refusal of the Government to aid them in their attempts. Some of the first men in the kingdom are taking part in the colonisation of New Zealand, in a spirit similar to that which distinguishes the history of maritime adventure in the reign of Elizabeth. Lord Durham is at the head of the New Zealand Land Company; Lord Petre is one of the directors; so are the Honourable Member for Thetford (Mr. F. Baring), the Honourable Member for Hull (Mr. Hutt), the Honourable Member for Caithness (Sir G. Sinclair), the Honourable Member for Chichester (Mr. J. Abel Smith), and the Honourable Member for Sunderland (Alderman Thompson). The brother of the Honourable Member for Leeds (Sir W. Molesworth) has embarked his fortune in this colony, together with the sons of Lord Petre, and of the Member for Caithness. The feeling which influences these gentlemen cannot be repressed, but it may be regulated, and guided by the co-operation of the Legislature. This New Zealand Association has sold, up to this day, 666 sections, containing 67,266 acres of land, and the sale has produced within a fraction of 70,000*l*.

There is another part of our colonial dependencies — Natal, and the South-eastern coast of Africa, with respect to which there is an absolute necessity that the Government should adopt some measures. We have had petitions presented from Glasgow, from Liverpool, from the merchants connected with the African trade in London, calling on us to deal with this question of Natal. There are still more cogent reasons for doing so. There has been a re-emigration from the Cape of 5000 armed Boors, of the old Dutch race, who have declared themselves independent of Great Britain, and have seized a large tract of unoccupied territory, which forms the district or country of Natal. This re-emigration is owing as much to economical as to political causes. Population at the Cape is becoming cramped for room, while in the Natal country there are 15,000,000 of acres of fertile and well-watered land, unoccupied by any native tribes. Under these circumstances emigration in Southern Africa will go on; and the only question is, whether it shall go on uncontrolled, and under irresponsible guidance, or whether it shall be properly directed? This calls for the instant attention of the Government, which cannot leave matters as they are. The evils of the false and bastard system on which we are now proceeding, are most acutely felt. The Honourable Member for Kent, whom I now see in his place, has taken great interest in the question of the Aborigines. Now, both in Southern Africa, New Zealand, and the other islands of the South Seas, the Aborigines have been the great sufferers by the existing system of emigration, which has inflicted upon the native inhabitants the worst evils of the worst periods of colonisation, without imparting to them any of the good. The scum and refuse of the population of this country are directed there, instead of the best and most orderly. Mr. Williams, the missionary, gives an account of one

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fiend, in human shape, who has taken up his abode in one of the South Sea islands. Having brought with him the arts and weapons of civilisation, it is stated that he has destroyed, without risk to himself, 700 human beings, during the space of four or five years. The settlers in New Zealand have introduced muskets, gunpowder, rum, spirits, lawless habits, and whatever it is most desirable to exclude. The worst evils of civilised society are thus engrafted upon the passions of the barbarians, and the seed thus sown is producing a plentiful crop of immorality and bloodshed. Against this I ask the friends of the Aborigines to set the establishment of regular intercourse under fixed and well-ascertained laws, and the gradual introduction of civilised habits, arts, industry, and trade, which must be the best preparation for Christianity itself. I cannot understand that false and mawkish sensibility as to the Aborigines, which opposes a bar to colonisation, when, with proper precaution, it ought to be as beneficial to them as to ourselves. I shall be told, perhaps, that the two races will not amalgamate; but this is not true. It may be true of the warrior tribes of North America; but there are, at this day, 8,000,000 of Indians employed in agriculture in Mexico, Columbia, and Peru. The great desideratum is, to regulate upon principles of strict justice the intercourse between civilised and uncivilised man; and to this a proper disposal of colonial lands is the road. The rights of the Aborigines ought to be respected. They should be most carefully and tenderly treated, and justice should be to done them in every way; and, therefore, I repeat, they ought no longer to be left a prey to the present system of colonisation, which inflicts upon them all the evils of civilisation, without communicating any of the good. Why not apply this principle, at once, to Natal, a country of which districts have been repeatedly ceded to British subjects by Chaka and Dingaan, the Zulu chiefs, rich in pastures, admirably adapted to sheep farming, the natural emporium of the Bechuana and interior trade, and placed, by steam communication, within four days of the Cape,—in lieu of leaving it in its present most anomalous state, an English garrison being stationed, at the present moment, at Natal, for the express purpose of excluding British ships, which are not allowed, without a special licence, to enter the port?

Sir, in preaching this doctrine of colonisation, I do not look to any barren extension of territory; I look to a great impulse being given to our manufactures and trade—a relief from pressure here—a rapid increase in our colonies, in consequence of that very relief. Colonial markets are the best and least fluctuating of markets for the manufactures of this country. They afford a market which will survive the convulsions of war, or revolution itself. Plant a colony of men imbued with English wants, tastes, habits, and feelings, upon a virgin soil, where each man can raise ten times the amount of exchangable produce that he could have raised at home, and you create at once the most certain demand for every article that the manufacturing industry of England can supply. A very short reference to the state of our trade with different foreign countries as compared with our colonial trade will prove this; the one being stationary, the other always an increasing trade, when the colonies have fair play, and this, whether we retain our political connection with them or not. It grows with their growth, and strengthens with their strength, even where the connection with the mother country is dissolved. Thus, I find, from some old returns at the Board of Trade, that the exports from England to the United States, before the war of Independence, amounted, in 1762, to 1,667,285*l.*, and in 1773, to 2,462,148*l.* The ruin of England was predicted when these colonies were lost; but how far, in reality, has trade suffered by their independence? In 1827 the exports from England amounted to 7,018,272*l.*; in 1891, to 9,053,583*l.*; and in 1836, to 12,425,605*l.*, or to more than one half of the value of our shipments to the whole of Europe, with a population fifteen times as great as that of the United States. Look, on the other hand, at our trade with European countries, fluctuating as it does in consequence of political changes, and of alterations in their tariffs. To Russia, with its enormous population, our exports in 1827 were only 1,408,970*l.*; in 1834, 1,382,300*l.*; and in 1836, 1,743,433*l.* The exports to other countries were—

	In 1827.	1836.
To Prussia .	174,338*l.*	160,782*l.*
Germany .	4,654,618*l.*	4,463,729*l.*
Portugal .	1,400,044*l.*	1,085,934*l.*
Mexico and Colombia .	906,772*l.*	439,994*l.*

Compare with this the trade with our own colonies. The exports to the British North American colonies were, in 1827, 1,397,350*l.*; and in 1836, in spite of the Canadian disturbances, 2,732,291. The exports to the West Indies were, in 1827, 3,583,222*l.*; and in 1836, 3,736,453, notwithstanding that those colonies have

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undergone the greatest social change that was ever accomplished without bloodshed. The increase of trade with other colonies shows something of the rapidity which marks the case of South Australia, to which I have already referred. The exports were —

	In 1827.	1836.
To New South Wales and Van Diemen's Land	£449,892	£1,180,564
Cape of Good Hope	216,558	482,315
Algoa Bay alone	55,201 in 1834	236,000

Considerably exceeding the total amount of our exports to Sweden, Norway, and Denmark, in 1827, which was 190,776*l.*, and nearly equalling it in 1836, when it reached 284,079*l.* The exports of Van Diemen's Land have risen in twelve years from 14,000*l.* to 420,000*l.*; the amount of wool exported being, in 1827, 192,075 lbs.; and in 1835, 1,948,800 lbs. The exports of New South Wales were, in 1828, 84,008*l.*; and in 1836, 513,976: the quantity of wool, in 1828, being 138,498 lbs.; and in 1836, 5,240,090 lbs.

Sir, these facts are my case. I have now done with details. There are some people, indeed, who say, "We don't want to extend our colonies — we have colonies enough." I ask, in return, have we markets enough? Have we employment enough? Are wages high enough, and profits high enough? Is there no political discontent — no physical suffering? Yet the National Petition, with its 1,200,000 signatures, stands for discussion to-night; a petition which, as I began by proving, is at once the child, and the emblem, of national distress. That distress may be overcome, but not by refusing to look the danger in the face. Our trade is diminishing — our exports are changing their character — foreign competion is growing up. Is it not desirable, and wise, to open a safety-valve — in time? I believe that the most effectual remedy for the evils of our present condition will be found in the resolutions which I have laid upon the table of the House. I believe that they will tend to promote the welfare of many millions of human beings, and to enlarge the sovereignty of the British Crown. The Government is not called upon to incur any risk in order to make the attempt, but simply to lay down sound principles, which individual energy and enterprise will work out. If I am asked what is to be the result of such an experiment? I say, the creation of new communities, in which the laws, the language, and the virtues of England will be preserved, long after the ties which connect them with the mother country shall be dissolved. As to our future hold upon these communities, we may let futurity take care of itself. It is enough for us to know that, in the plan proposed, there is neither cost, nor outlay, nor risk; while, if it succeeds, — and it will succeed if we have the wisdom to let our colonies govern themselves, — we may have more people in the colonies, and more people at home, and all better off. I hope there will be no lurking indisposition on the part of the Government to entertain the question fairly, in all its comprehensive bearings; and I trust that my Right Honourable Friend, the Under Secretary for the Colonies, will not, by committing himself against it, shut himself out from the greatest career of practical utility which has ever been opened to an English statesman at a most critical period.

× With these feelings, Sir, I beg leave to move the following resolutions: —

1. That the occupation and cultivation of waste lands in the British colonies, by means of emigration, tend to improve the condition of all the industrious classes in the United Kingdom, by diminishing competition for employment at home, in consequence of the removal of superabundant numbers, creating new markets, and increasing the demand for shipping and manufactures.

2. That the prosperity of colonies, and the progress of colonisation, mainly depend upon the manner in which a right of private property in the waste lands of a colony may be acquired; and that, amidst the great variety of methods of disposing of waste lands which have been pursued by the British Government, the most effectual, beyond all comparison, is the plan of sale, at a fixed, uniform, and "sufficient" price, for ready money, without any other condition, or restriction; and the employment of the whole, or a large fixed proportion, of the purchase-money, in affording a passage to the colony, cost free, to young persons of the labouring class, in an equal proportion of the sexes.

3. That in order to derive the greatest possible advantage from this method of colonising, it is essential that the permanence of the system should be secured by the Legislature, and that its administration should be intrusted to a distinct branch of the Colonial Department, authorised to sell colonial lands in this country; to anticipate the sales of land by raising loans for emigration, on the security of future land sales, and generally to superintend the arrangements by which the comfort and wellbeing of the emigrants are to be secured.

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4. That this method of colonising has been applied by the Legislature to the new colony of South Australia, with very remarkable and gratifying results, and that it is expedient that Parliament should extend the South Australian system to all other colonies which are suited to its operation.

SIR WILLIAM MOLESWORTH.—In seconding the motion of my Honourable Friend, I need not, after his most able speech, enter into any lengthened discussion of the principles upon which his motion is founded. My Honourable Friend proposes, first, that in every one of the colonies a certain price shall be affixed to its waste lands, that price to vary according to the circumstances of each colony; and, secondly, that the nett proceeds of the land sales shall constitute an emigration fund, each colony to be furnished with emigrant labour in proportion to its own land sales.

The object of these resolutions is, first, by a fixed price, to put an end to the favouritism and other abuses, which have always resulted, and must, in my opinion, necessarily result, from any system of free or conditional grants of land. Secondly, the fixed price ought to be a considerable one, in order to prevent individuals from acquiring large tracts of land, without any intention to cultivate them, and merely in the hope that, at some future period, they may become valuable by the increase of wealth and population. And here I may remark, that all experience and reason have shown, that such excessive appropriations are most injurious to a new community, by interposing deserts, and cutting off communication between its cultivated parts. And, lastly, the object of employing, in the promotion of emigration, the funds raised from the sales of land, is, to afford a profitable field of employment for the surplus population of this country, and to provide the purchasers of colonial land with a steady supply of labour, wherewith to render their land productive, and worth the price put upon it; for land, without labour to cultivate it, is worthless. It is evident, indeed, that a few half sterile acres in this densely peopled country are, on account of the facility of obtaining hired labour, far more valuable than millions of the most fertile acres in a place where no labourers can be obtained to reap the fruits of the soil. Now, if the regulations of my Honourable Friend be adopted, the purchasers of colonial land would not merely purchase a certain number of acres, but would indirectly buy the services of a number of labourers proportioned to the amount of lands bought.

As the chief object of putting a considerable price on waste land is to obtain a supply of labour, it is evident that the price of waste land ought to be so high, as to insure a sufficient supply of labour to cultivate the appropriated land in the most advantageous manner, that is, to raise from it the greatest amount of produce compared to the number of hands employed; for in that case, wages and profits would be high, and the community flourishing. For this purpose, the price of land in each colony should be such as, first, to produce a fund sufficient to convey to the colony the numbers of labourers required; and, secondly, to prevent the labourers, so conveyed, from passing from the state of labourers to that of landowners, before their place can be supplied by fresh emigrants.

These are the objects of the motion of my Honourable Friend. They are founded upon the self-evident fact, that land, without labour to cultivate it, is worthless. My Honourable Friend, therefore, proposes to render the waste lands of the colonies valuable, by making them the means of conveying labour to the colonies. My Honourable Friend's motion is likewise founded upon the now acknowledged fact, that individuals (particularly from this country) will not labour for hire, when they can easily become independent landowners, even though their pecuniary gains as petty landowners be much less than the wages they could earn as labourers. Therefore, if the price of waste land in a colony be very low, emigrant labourers too rapidly pass from the condition of labourers to that of landowners, and steady labour for hire is unattainable; consequently, in a colony so circumstanced, there would be very little or no combination of labour, no division of employment, no extensive branches of industry, and no profitable investment for capital; and this combination of circumstances would ultimately occasion a cessation of any demand for labour; consequently wages and profits would be low, and the community poor and half civilised. The history of colonisation offers but too many instances of such a result having been brought about by an excessive facility of acquiring land. On this account, my Honourable Friend proposes to render the acquisition of waste lands difficult, by putting a considerable price upon them.

In support of this plan, I must observe, that experience has shown that (except when accidental circumstances have obstructed, in some considerable degree, the

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appropriation of waste land) the only colonies in which there have been, from their commencement, combinable labour and extensive production, and which have rapidly increased in wealth, have been colonies in which slavery, in some shape or other, has been established; such, for instance, as that of the negroes in the Southern states of America, and in our own West Indian colonies; of indentured labourers in the early times of Pennsylvania, and of convicts in the penal colonies of Australia. As far as production is concerned, the effects of the plan of my Honourable Friend would be the same as those of slavery; namely, it would insure the existence of combinable labour, of extended and profitable production, and of wealth. The moral means by which this result would be brought about would be far different from those of slavery. Under slavery, the labourer is directly compelled to toil by the lash, without any prospect of bettering his condition. Under the plan of my Honourable Friend, the labourer would be indirectly compelled, by the price of land, to sell his labour, during a certain time, for high wages, with a hope, however, of ultimately not only acquiring landed property, but likewise of becoming an employer of labour himself; and this hope he could not entertain, were the price of land so low that, in a short period of time, the mere emigrant labourer could acquire a sufficient amount of land to maintain himself upon.

I will not, after the able exposition of my Honourable Friend, enter into any further discussion of the principles upon which his motion is founded. Though but recently discovered, the justice of those principles have been acknowledged by most persons well versed in the science of political economy. They were first put forth about the year 1829, by my friend, Mr. Wakefield; to whom, as my Honourable Friend the Member for Sheffield most justly observed, the great merit of their discovery is exclusively due. In 1833, they were fully developed in an admirable work of Mr. Wakefield's, called *England and America*. The preceding year they had been partially adopted by the Colonial Office, in certain regulations, known by the name of "Lord Howick's Regulations;" to the utility of which, as far as they went, ample testimony has been borne. In 1833, they were embodied in the Act for creating the colony of South Australia; and they constitute the basis of the wonderful advance of that rapidly flourishing community. In 1836, they were distinctly recognised by Lord Glenelg in a circular addressed to the West Indian colonies; but, unfortunately for the industry of those colonies, they have, since that period, been entirely overlooked. In the same year they were carefully investigated and approved of by a committee of the House of Commons, of which my Honourable Friend the Member for Sheffield was the chairman. Last year they were fully confirmed by the numerous and intelligent witnesses examined before the Transportation Committee. They form no inconsiderable, and by no means the least valuable, portion of Lord Durham's Report on Canada. My Honourable Friend the Member for Liskeard (Mr. C. Buller) has adopted them in his able Report on the waste lands of the North American colonies. And, lastly, within a few weeks, a company, with a capital of 250,000*l*., has been established on these very principles, to colonise New Zealand. The facts which I have just stated show how carefully the principles contained in the resolutions of my Honourable Friend have been examined, and how highly they have been approved of by shrewd and intelligent men.

I will now, with the permission of the House, attempt to comply with the wish of my Honourable Friend. My Honourable Friend has requested me, as having paid much attention to the affairs of the penal colonies of Australia, and having been chairman of the Transportation Committee, to show to how great and important an extent the principles upon which his measure is founded are immediately applicable to New South Wales and Van Diemen's Land. For that purpose I must first make a few remarks with regard to the history of the industry and productions of those colonies. The House is aware that the colony of New South Wales was founded in 1788, as a place of punishment for criminals. For many years after its commencement it was inhabited almost entirely by convicts, their superintendents, and the soldiers appointed to guard the prisoners. The first persons who acquired landed property in that colony were some officers in the regiments quartered there; some convicts, the period of whose sentences had expired; and a very few emigrants. To these persons the Government made grants of land, frequently on the condition that they should maintain a certain number of convicts. These convicts became the servants, or rather the slaves, of the settlers; for they were subjected to flagellation and other punishments for neglect of work. They were employed by their masters in cultivating the land, from which they

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raised a surplus produce. For that surplus produce the Government and convict establishments afforded a most excellent market. By these means, and by others of not so creditable a description, the first settlers rapidly made money; they obtained more land and more convict servants, and accumulated capital; emigrants arrived out from this country, and the colony appears to be most flourishing. The history of the industry of Van Diemen's Land is nearly the same as that of New South Wales. It was first settled in 1803, as a dependency of New South Wales; and, in 1825, was made independent of that colony. It is indebted for its wealth to the slave labour of transported convicts, and to the large sums expended on it by this country.

In proof of the rapid progress of these colonies in production and in commerce, I will read to the House a few facts which I have collected from Parliamentary Returns. The House is aware that wool is the staple produce of Australia. The sheep are chiefly of the Merino breed, with a slight cross of those from Bengal and the Cape of Good Hope. Their fleeces are of the finest quality, averaging about 2½ lbs., and worth from 1*s.* to 3*s.* per pound. In 1796 the number of sheep in New South Wales was only 1531; during the next year, Captain M'Arthur (a name which will ever be celebrated in the industrial history of that colony) obtained three rams and four ewes of the Merino breed. He applied himself to the rearing of fine-wooled sheep; he obtained, at different times, considerable grants of land from the Government (in all 18,000 acres), and a number of convicts as shepherds. His flocks were the best in the colony; and to his exertions, in no small degree, is to be attributed the extraordinary success of this branch of industry in Australia. About the beginning of this century the number of sheep in New South Wales amounted only to 6757; in 1821 they were estimated at 120,000; in 1830 they had reached 500,000; in 1834 they were not less than 1,000,000; and now they probably exceed 3,000,000. The first Return that I am able to find of the quantity of wool exported from New South Wales, is for the year 1807; it amounted only to 245 lbs.; in 1815 it had increased to 32,000 lbs.; in 1820, to 100,000 lbs.; in 1828, to 834,000 lbs.; and, in the same year, from the two colonies of New South Wales and Van Diemen's Land, 1,574,000 pounds were exported. Since 1828, the quantity of wool received from those colonies has increased fivefold: last year it amounted nearly to 8,000,000 lbs., the value of which could not have been less than 600,000*l.*, probably somewhat more. Thus the Australian colonies, which, at the commencement of the century, did not import a single pound weight of wool, now supply us with about one seventh of the whole quantity of wool imported; and I feel persuaded that, in less than another half century, if those colonies be properly managed, our commerce with them, in wool alone, will exceed our whole trade in that commodity at the present moment. There is known to be, in Australia, an all but indefinite amount of the finest pasturage lands; on these lands flocks of sheep, with proper care, will double themselves in every two or three years: all that is wanted is, a sufficient amount of labour; and how, by adopting the principles of my Honourable Friend, that amount of labour can be obtained, I will presently show.

First, however, I will state some other facts with reference to the progress of the industry of the penal colonies. The value of the fisheries of Australia has increased with great rapidity. They consist chiefly in the pursuit of the black and sperm whales. In 1828 they produced about 38,000*l.*; seven years afterwards, in 1835, they had increased nearly sixfold, to 214,000*l.* The value of the exports from New South Wales and Van Diemen's Land in 1828 did not exceed 181,000*l.*; in 1836 they amounted to 1,168,000*l.*, or about 15*l.* per head for every free person. The value of the imports into those colonies in 1828 was 811,000*l.*; in 1836, it had more than doubled, being about 1,795,000*l.*, or 23*l.* per head for every free person. The shipping of these colonies has likewise doubled during the last 8 years. The number of vessels entered inwards in 1828 was 268, with a tonnage of 56,000 tons; in 1836 the number of vessels entered inwards was 561, with a tonnage of 124,000 tons. In 1828 the number of vessels entered outwards was 202, with a tonnage of 44,000 tons; in 1836 the number of vessels entered outwards was 541, with a tonnage of 116,000 tons.

Comparing the trade, revenue, and expenditure of the penal colonies, with those of the United Kingdom, I find that, in proportion to their respective populations, the exports of the penal colonies are seven times, the imports ten times, the revenue twice, and the expenditure one and a half times, as great as those of the United Kingdom.

For the purpose of showing the great commercial importance of these colonies, and their value to this country, as com-

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pared with other portions of our colonial empire, I have instituted a comparison between their trade and that of the larger of our other colonies. I find that in 1836 the commerce (including under that term the sum of the exports and imports) of this country with the penal colonies whose population did not then exceed 125,000 persons (convicts as well as free), was equal to four fifths of our commerce with the two Canadas, containing a population of 1,000,000; to three fourths of our commerce with Jamaica, containing a population of 361,000; to nearly double that with the Mauritius, and to one third of that with our Indian empire.

The extent of the market of our colonies for the products of the industry of this country may be inferred from the fact, that in 1836 the exports of British produce and manufactures to New South Wales and Van Diemen's Land were equal in value to about one eighth of the whole of our exports to the colonial empire, whose population was nearly 100,000,000; — to two fifths of the exports to the North American colonies; — to three sevenths of the exports to India; — they were nearly equal to the exports to the West Indian colonies, both insular and continental; and were four times as great as those to the Mauritius. And, lastly, I must state, as a proof of the wealth of these colonies, that in the immediate vicinity of Sydney the value of land is from 100*l.* to 1000*l.* an acre; and in Sydney itself it has been sold at the rate of 10,000*l.* an acre.

I wish to direct the attention of the House to the facts I have just stated, in order to impress the House with the importance of the subject which I am now about to discuss, — namely, the causes which threaten the industry of these colonies, and the necessity of adopting the principles of my Honourable Friend, in order to provide them with the supply of labour which is requisite to maintain them in their present state.

I have already remarked that the rapid progress of these colonies is to be attributed, not to the circumstance that the Government has furnished the settlers with land free of expense; but that it has provided them with the combinable labour which renders that land productive, and which consists in convict slaves, transported at the cost of this country; and, in addition to this, that the Government has created an excellent market in the form of convict, military, and civil establishments, paid for out of the British estimates. Since the commencement of the two colonies, the Government has granted away nearly 7,000,000 of acres, only a trifling portion of which, and that during but the last three or four years, has been paid for. About 110,000 convicts have been transported, most of whom have been assigned as labourers; at the present moment there are probably between 30,000 and 40,000 convicts in private service. The amount of British funds expended upon these colonies since 1786, was estimated by the Transportation Committee to have been at least 8,000,000*l.* sterling; the sum defrayed out of the public purse for these colonies, in 1837, was 461,000*l.*, having increased to that extent, from 354,000*l.* in 1831. These are the elements of the wealth of the penal colonies, — namely, land well adapted to the growth of wool and other produce, a steady market at hand, and a constant and abundant supply of labour. As long as a sufficient supply of labour can be obtained, so long will these colonies prosper. And this brings me to the consideration of the present state of the Australian colonies, and to the deficiency of the supply of labour which exists at present, and will augment, unless means be taken of providing those colonies with labour from other sources than from the gaols of this country, which have of late become inadequate.

During the earlier period of these colonies the supply of convict labour exceeded the demand, and the Government granted various indulgences to the settlers who would take convicts under their charge. At a subsequent period the supply of convict labour only equalled the demand; then there was no difficulty in disposing of convicts, and the strange system of confiding the punishment of offenders to the discretion of private individuals (called the assignment system) acquired its full extension. At present the supply of convict labour is much less than the demand; and the competition for labourers is very great. New South Wales, especially, is suffering from this cause. The flocks of sheep, from the want of shepherds, are twice the size they ought to be; numbers of sheep perish for want of care; and many proprietors, I have been informed, have been obliged to destroy their lambs. It was estimated, last year, that no less than 10,000 labourers were required for that colony alone. Every arrival of late from New South Wales has brought complaints of the want of labour. The diminution in the general and in the land revenue last year may in some degree be attributed to this cause, the

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effects of which will every year become more striking, unless vigorous measures be adopted to remove the disproportion now existing between the demand for and the supply of labour.

That disproportion is the result of a variety of causes: — First, of the great increase of capital, to which I have already referred; and which has occasioned a great increase in the demand for labour, in order to render that capital productive. Secondly, the deficiency of labour may be partly attributed to the manner in which the Australian colonies have been peopled, — namely, chiefly by convicts, with a very unequal proportion of the two sexes. Population has, in consequence, increased very slowly; as the convicts, who die, rarely leave behind them children to supply their places. The fresh importations of convicts do little more than fill up the void occasioned by deaths, and by the secession of convicts from the class of labourers. Thus the transportation of convicts does not actually afford any additional supply of labour to the settlers in New South Wales, nor enable them to extend their field of production in proportion to the extension of their capital. Thirdly, the employment of criminals as labourers has made various descriptions of labour discreditable for persons who have not been convicted. The free emigrants, who of late years have arrived in New South Wales and Van Diemen's Land, are, therefore, disinclined to adopt occupations similar to those performed by convicts; they are unwilling to labour in company, and thus to confound themselves with criminals under punishment. Precisely the same feelings act upon free persons in the penal colonies as operate upon the white population in the southern states of America, and which make it disgraceful for a white man — and cause him to be stigmatised as a mean white — if he consent to work in those kinds of industry which are the usual employments of the black race. And, lastly, this disinclination to labour for another is strengthened in the Australian colonies by the facility with which land can be obtained. For the price of land is so low, that any person, who has obtained a small sum of money, can set up for himself; and even the mere emigrant labourer can, in a short time, by the savings from his high wages, become the independent proprietor of a small plot of land.

These are the main causes of the disproportion between the supply of and the demand for labour in New South Wales. In Van Diemen's Land the same causes do not operate to the same extent; because the territory of that colony is comparatively limited, and most of the fertile land is already occupied. In Van Diemen's Land, therefore, the yearly importation of convicts from this country is nearly sufficient for the labour market of that colony. In New South Wales this is not the case. If, however, that source of labour be cut off, without new channels of supply being opened, the want of labour will be most intensely felt in both colonies.

Now I feel convinced that no Government can long permit the existence of the present system of transportation. The employment of convicts as slaves (that is, the assignment system) has been condemned by every authority, as a most unequal and improper punishment. It is allowed, even by those most interested in the economical prosperity of the penal colonies, to be the source of innumerable and incalculable moral evils; and to have produced communities as depraved as they are wealthy; in both respects without parallel in the world. Its discontinuance has been recommended by the Noble Lord the Member for Stroud (Lord John Russell), and by the late Secretary of State for the Colonies (Lord Glenelg). Orders have been transmitted to the governors of these colonies to the effect, that no more convicts shall be assigned to settlers. Whether or not convicts should continue to be sent to these colonies, to be punished in gaols or penitentiaries, is (though in itself a question of great importance) one that I will not now discuss. I shall call the attention of the House to this subject on a future, and I trust early occasion, when I shall bring under the consideration of the House the Report and resolutions of the transportation committee. It is the continuance or discontinuance of convict slavery — that is, of the assignment system—which affects the pecuniary interests of the penal colonies. The colonists want convicts to rear their flocks, and till their fields, and for no other purposes. Their present prosperity will vanish if they be deprived of their present supply of convict labour, unless they obtain labour from some other source. They will cease to flourish, especially in New South Wales, even if they retain the present supply of convict labour, unless an additional quantity of labour be procured from other quarters.

How, I ask, can such a supply of labour be obtained, as will compensate for the abolition of transportation, or at

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least of the assignment system, and will furnish a regularly increasing amount of labour in proportion to the increase of the field of production? So severely is the want of labour felt in New South Wales, that it was proposed to import Hindoos, as indentured labourers, who were to be returned to their native country, at the end of a certain period of time. With regard to this plan, I must observe, that experience has fully shown that it is impossible to enforce bonds of indenture without a system of punishment, which would make the indentured labourer almost a slave. It has generally happened, when the indentured labourer was of the same race as his master, and equal to him in intelligence, that he has broken his indenture, and sold his labour to the highest bidder for it. On the other hand, where the labourer was of an inferior race, he was first entrapped, and subsequently reduced by his master to a state of bondage. Now, every one, who is aware of the ignorance and helplessness of the Hill Coolies (the particular caste of Hindoos proposed to be imported as indentured labourers), must at once perceive that this mode of supplying New South Wales with labour would, in reality, establish a species of slavery in that colony. The Colonial Office has, therefore, very properly refused to assent to such a proceeding. Moreover, if the indentured labourers were to be ultimately sent back to their own country, the importation of a few thousand Hindoos, annually, would be a mere temporary expedient, wholly inadequate to that extension of industry of which New South Wales is capable. On the other hand, if they were permanently to settle in the colony, they would form a separate class, distinct in colour, language, and religion; and a state of society would ensue, such as, I think, no statesman would desire to produce in Australia, after the ample experience, which we have had, of the pernicious consequences of a similar state of society in our West Indian colonies and in the Southern States of America.

Emigration from this country is, therefore, the only source from which labour can be advantageously supplied to New South Wales. But here several difficult questions arise. If transportation continue, the emigration of free labourers to the same place, where criminals are sent to be punished, is most objectionable; first, because it would destroy a great portion of the terrors of transportation, inasmuch as the condition of a labourer in the penal colony is represented to be better than that of one in this country; and the mere banishment, which is generally considered to be the greater portion of the punishment, would in consequence be considered rather in the light of a benefit than of an evil. Secondly, because transportation has produced, and tends to perpetuate, in the penal colonies, a state of morality worse than that of any other community in the world. This has been amply proved by the Report of the Transportation Committee. I entertain, therefore, the most serious doubts whether the Government is morally justified in encouraging the industrious classes of this country in emigrating to a community, where it is all but certain that their moral principles will be subverted by association with the criminals, who are compelled to accompany them. To send 5000 criminals and as many free emigrants to labour together in the same place is an anomaly in legislation, in defence of which no arguments of any validity can be urged. If transportation continue, it would be far better to circumscribe the penal colonies, to allow none but offenders to dwell in them, and to make them nothing else than large gaols, — such as was the condition of Van Diemen's Land under Sir George Arthur. New South Wales should then be limited to the territory which is now occupied; and the remainder of it, especially Port Philip, and the surrounding district of most fertile land, called Australia Felix, should be established into a new colony, untainted by convicts, and inhabited only by free, industrious, and intelligent emigrants. Such a colony would in a short time afford a market for the productions of this country, and a commerce, as extensive as those of the present penal colonies. It is true the penal colonies would still be the sinks of iniquity and vice which they now are; they would not become worse — that is impossible; they would not, however, contaminate the whole of that vast and fertile district, which at present is included within the boundaries of New South Wales. Undoubtedly this proposition is one highly injurious to the interests of the free settlers of New South Wales. But it is the only alternative which, in my opinion, the continuance of transportation permits. Some of the inhabitants of New South Wales claim a vested interest in the labour of the criminals of this country; if so, they must take it with all its consequences. They have selected a gaol as their abode; they must submit to its inconveniences and sufferings. They have chosen to dwell amongst offenders; they must not expect that the Legislature will encourage, or even permit, innocent

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men to become their companions. For I consider the Legislature to be equally bound to guard over the moral, as well as the economical, interests of its subjects. It ought to prevent those, over whom it exercises authority, from sacrificing their dearer and more important, though remoter, interests, for the sake of some minor, though immediate, advantage; especially when such persons are liable to act in ignorance, as is the case with the greater portion of the emigrant labourers. I, myself, cannot conceive how any virtuous, any high-minded man, any person in whom the desire of pecuniary gain has not obliterated every other and better feeling, can consent to become an inmate of these colonies, if transportation continue, unless under the most erroneous impressions of the consequences of that system of punishment. Indeed, I feel firmly convinced that, with the continuance of transportation, all the better portion of the inhabitants of these colonies, and of the emigrants, will remove to the other Australian communities, that are now springing up, where similar descriptions of industry are carried on, where a better state of society exists, and where free institutions will soon be established, which can never be the case in the penal colonies, so long as convicts are transported.

Sir, if transportation be abolished, I see no obvious difficulty in maintaining the present economical prosperity of those colonies, and in purifying them. The motion of my Honourable Friend points out the means; all that is required is the inclination and the determination on the part of the Government vigorously to adopt those means.

In order that New South Wales and Van Diemen's Land may continue in their career of wealth, the place of the 30,000 or 40,000 convicts, who are now labourers in the penal colonies, must be supplied by a similar number of free labourers. And here I must remark, that 40,000 free men will produce far more than 40,000 convicts; for there was no fact better established before the Transportation Committee, than that, even at the present high rate of wages, free labour, when it can be obtained, is more profitable to its employer than the compulsory labour of unpaid convicts. And, likewise, I should observe, that the whole of this amount of labour would not be required at once; for a certain period of time must elapse before the whole of the convicts, who are now employed as labourers, could be withdrawn from private service, or could become free by the expiration of their terms of punishment. This period should, in my opinion, not exceed four or five years; after which no persons should be permitted to be owners of convict labourers. In addition to these circumstances, it should be remarked that a considerable portion of the now convicts would, on becoming free, become labourers. It is therefore evident, that the emigration, during the next four or five years, of 40,000 labourers, would fully compensate for the abolition of transportation. But, as I have already observed, the present supply of convict labour is insufficient for the demand for labour in New South Wales; therefore some additional free emigration would be required for that colony, in order to prevent any check to the progress of its industry. It is all but impossible accurately to calculate what that additional emigration ought to be. I feel persuaded that, if these colonies were provided, during the next four or five years, with 100,000 emigrants, of equal proportions of men and women, not only would the cessation of the assignment system, and of the supply of convicts from this country, not be felt on the industry of these communities, but they would be amply furnished with labour, and with a population which, unlike the present one, would rapidly increase.

So far, with regard to the effects of such an amount of emigration on the industry and production of these colonies. Its moral effects would be still more striking. Whereas, at present, with a small free emigration, a considerable transportation of convicts demoralises the free emigrants, and is a perennial source of vice; a large free emigration, and no transportation, would soon swamp the remainder of the convict population, and establish a new standard of morality. At the last census, in 1836, the population of these colonies consisted of 120,000 persons, half of whom were, or had been, convicts. Now, it is no exaggeration to suppose, that, if 100,000 emigrants were carried out, free of expense, during the next five years, what with those who would emigrate at their own expense, and with births, the population of these colonies would, at the end of that period, be not less than 300,000 souls, of whom not more than one seventh, or between 40,000 and 50,000, would have been convicts. This result, the House must acknowledge, would be a most desirable one; the permanent prosperity of these colonies would be insured; an increasing trade with this country would be certain; and their population would be constituted of such materials as would fit them for receiving

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those free institutions and that self-government, without which good colonial government is impossible.

It will be asked, what would be the cost of such an amount of emigration, and how could the money be raised? Twenty pounds a-head would, under a proper system of management, more than cover the expenses of passage, of salaries to the agents of emigration, and of all incidental expenditure. For I find that the cost to the Government for the passage of convicts to the penal colonies was between 13*l.* and 14*l.* a-head, in 1836. 17*l.* a-head were allowed by the Government to the Committee for Female Emigration to Australia; and that committee contracted with their own secretary (Mr. John Marshall) to procure women and convey them to Australia for 16*l.* a-head, out of which he is said to have made a very large profit. According to the Commissioners of Colonisation for South Australia, the whole cost of emigration to that colony was about 18*l.* for every adult. For these reasons it appears to me that 20*l.* a-head would be more than sufficient to defray all the expenses of the emigration which I have proposed. At this rate, 2,000,000*l.* would be required for the emigration of 100,000 persons; and this sum, spread over a period of 4 or 5 years, would amount to between 400,000*l.* and 500,000*l.* a-year, for the next four or five years.

How can this sum be raised? I think, if it were necessary, that a good case could be made out for calling upon this country to contribute a portion of the money, in consideration of the evils which it has inflicted upon these colonies, by making them an abode of criminals; and in consideration of the enormous extension of commerce, which such an emigration would undoubtedly occasion. It is not, however, in my opinion, in any way necessary that there should be any call upon the public purse for this object. The resources of these colonies are amply sufficient for the purpose of carrying on that amount of emigration. The sum required might easily be raised on the security of the sales of waste lands. In proof thereof, I wish to call the attention of the House to the amount of the sales of waste land in the penal colonies. In 1832, the system commenced of selling waste land at the upset price of 5*s.* an acre; in that year 27,000*l.* were raised from the sale of land; in 1833, 33,000*l.* were obtained; in 1834, 48,000*l.*; in 1835, 104,000*l.*; in 1836, 160,000*l.*

This large sum has been raised at the upset price of 5*s.* an acre, — a price universally acknowledged to be far too low; — in consequence, this year, the Government has raised the price of land to 12*s.* an acre. I believe that 1*l.* an acre — the price recommended by the Transportation committee — would not be too high. For the fixed price of land, in the neighbouring colony of South Australia, is 1*l.* an acre; and it appears, from a statement, with which the Colonisation Commissioners of South Australia have favoured me, that that price has not been found to be exorbitant. Since the commencement of that colony, in 1836, the commissioners have sold 138,195 acres; the first 58,995 acres at 12*s.* an acre, the remainder at 1*l.* an acre; they have received, for the sales of land, 109,597*l.*; they have sent out 7115 emigrants, in 66 vessels, of the burden of 36,294 tons: the whole amount of population is not known; but, I believe, what from births and from the emigration from the other Australian colonies, it is not, at present, less than 10,000 souls. In October last, the number of sheep and lambs was 22,500, and of horned cattle 2175. The future sales of land, this year, — taking as a guide the land which has been sold since the commencement of 1839, — are estimated at not less than 5000 acres a-month, and the number of emigrants, this year, will be more than 5000 persons. These facts, I think, cannot fail to produce the conviction, that 1*l.* an acre is by no means too high a price for the wealthy communities of New South Wales and Van Diemen's Land. At this price the land revenue of the penal colonies would greatly increase, if even it be entirely employed in emigration. At the present moment, the sale of land is limited by the deficiency of labour, arising partly from the small emigration; for only an inconsiderable portion of the existing land fund has been devoted to emigration; and partly from the low price of land, which has tempted many of the emigrants immediately to become small proprietors. Now, if there were the security of an Act of Parliament that the price of land would not be lowered, as might be the case, according to the whim and caprice of every Honourable Gentleman who becomes Colonial Secretary, — if the regulations of my Honourable Friend were confirmed by the Legislature, — and if a facility be given to the disposal in this country of colonial lands by the sale of land warrants, — I am convinced that I do not exaggerate, when I suppose that, with an emigration of 20,000 persons annually, and with a price, for waste lands, of from 12*s.* to 1*l.* an acre, the land

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revenue would soon increase from 160,000*l.*, the amount in 1836, to above 200,000*l.* a-year. Therefore, I conceive that, upon the security of those sales, a sum of 2,000,000*l.* could easily be raised, at less than the colonial rate of interest, — namely, 10 per cent.; still more easily could the sum of 400,000*l.* or 500,000*l.* be raised every year, for the next four or five years, at the same rate of interest. But this amount of interest would be excessive, and would put the colony to an unnecessary expense. If the Government would guarantee a loan, it is evident that the sum of 2,000,000*l.* could be raised, at a very small premium, on the rate of Government securities, — say between 3½ and 4 per cent.: at this rate, the interest upon the loan of 2,000,000*l.* would be between 75,000*l.* and 80,000*l.*, or about one half of the amount of the land revenue of these colonies in 1836; leaving, therefore, even if the land revenue did not increase (an extravagant supposition), a considerable sum for gradually paying off the debt. I think the House must perceive that, in every one of these statements, I have put the cost of emigration, the number of emigrants required, and the expense of the loan at the highest amount. I am, therefore, warranted in concluding that there would be no difficulty in carrying into effect the plan I have proposed.

This plan is the result of much and careful consideration on my part. It has unexpectedly received the strongest confirmation of which it is susceptible. I have within a few days obtained from New South Wales the Report of the Committee of the Legislative Council on Emigration, which committee sat towards the close of last year. From that Report it appears that a plan precisely similar to my own, namely, of raising 200,000*l.* on the security of waste lands, to be expended on emigration, has been submitted to the Legislative Council; and that a letter had been addressed to the Council, giving the sanction and approbation of numerous persons of property and intelligence to the proposal in question. I understand the committee referred this proposal to eighty-four of the most intelligent and extensive proprietors in the colony; that fifty-eight expressed themselves in terms of the highest approbation of the measure; eight only declined to give an opinion; and eighteen objected to it, chiefly from the fear of its becoming a job, and that there was no security that the whole money would be applied to emigration, as the colonial Government had already applied a considerable portion of the proceeds of the land sales to other purposes than those of emigration. If the motion of my Honourable Friend were carried, the only objection to this plan would therefore be removed, and I am assured that the colony would be unanimous in its support.

To conclude, I entreat the earnest consideration of the House and of the Government to this subject, as the only means of abolishing transportation, without endangering the prosperity of the penal colonies; as the only means of continuing that prosperity, and improving the moral state of these communities. It is a means, likewise, of affording, without any expense to this country, the most extensive fields for the employment of our surplus population. It would create a commerce so vast that the imagination could hardly form a conception of what, in a brief period, it might not become. I am profoundly convinced that the southern regions of the globe — Australia, New Zealand, and the myriads of islands of the Polynesian Sea — might, ere long, form the most important markets for the productions of the industry of Great Britain, and amply compensate for those markets which we are on the eve of losing in the Old World; provided those fair and fertile portions of the earth's surface were peopled with men of the British race, with wants, feelings, and desires similar to our own; and this, I firmly believe, might be accomplished by that plan of systematic emigration which has been proposed by my Honourable Friend, and to which I give my most cordial support.

Mr. LABOUCHERE. — Whatever differences of opinion may be entertained on this subject, or on the general principle involved in the resolutions proposed by my Honourable Friend the Member for Sheffield, or in any of those various details by which my Honourable Friend proposes to carry these resolutions into effect, — I am quite sure that it is the unanimous opinion of the House, that no greater or more important subject — no question more truly deserving the serious attention of Parliament — can possibly be brought under our consideration. I agree with my Honourable Friend, that, as it is the duty, at all times, of the Government of this country, and of the colonies, to encourage emigration, by every fair and legitimate means, so it is a duty still more incumbent upon us, on many accounts, at the present time. During the short period of time for which I have had the honour to be connected with the Colonial Office, it is impossible for me not to have been forcibly struck with the circumstances that have been adverted to, — that, not only

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on the part of the labouring classes of this country, but also on the part of a class of persons who have hitherto shown a reluctance to leave their native country, of many persons in the higher conditions of life, and possessed of small capital, there has been shown a most remarkable desire, at the present moment, to seek in other colonies, and in the distant possessions of the British empire, those means of acquiring an honest independence, which are not so readily afforded in the mother country. I concur in the sentiment of my Honourable Friend; and so far from this being a matter of reproach to these persons, and so far from these persons being to be discouraged for it, it reflects the highest honour upon them; and I rejoice in thinking that, in leaving this country, they do not estrange themselves from its real and permanent interests; but, on the contrary, they prove their attachment to those interests by trusting themselves to those distant possessions to which they are proceeding. I will say, therefore, that assuredly I have anything rather than a prejudice against emigration; on the contrary, it always has appeared to me, among the many glories and blessings permitted to this country, as a means by which Providence has allowed the English race and language, the manners, laws, liberties, and institutions of this country, to spread over so vast a surface; there can be no more solemn duty imposed upon us than that we should avail ourselves to the utmost of the vast means which Providence has been pleased to put into our hands, in order that we may effect the greatest blessing granted to the human race; namely, that wherever there are unoccupied lands, affording the means of extending the influence of the British nation, we should avail ourselves of such opportunities. I must fairly confess to the House, that I could have wished, consistently with my duty, not to have been called upon to deal with this question so soon after my connection with the Colonial Office, or to have addressed the House upon a subject of so much complication and difficulty, to which many Gentlemen present have had an opportunity of paying much more attention than I have been able to afford to give to it. At the same time, I feel bound to make some statements in reply to the motion of my Honourable Friend. My Honourable Friend began his speech by attacking the system of disposing of the waste lands of the Crown, which prevailed previously to the last ten years. I can assure my Honourable Friend, and the House, that you shall hear no defence or apology of that system from me. System I can hardly call that, which would be more accurately described as a total want of all system. It is really quite melancholy to see the mischief that has been done by the pestilent system of jobbing that has existed. It is impossible to read the Earl of Durham's account of the North American colonies, and to reflect upon what was done there under the old system — what the people of those colonies might have been under another system — and what they are, now, — without the strongest feelings of indignation and regret. I can, therefore, assure my Honourable Friend that he will be disappointed if he expects that I shall, in any degree, defend that former system. But, as in many other things, so in this; — it is difficult to retrace our steps.

Revocare gradum, superasque evadere ad auras
Hic labor, hoc opus est.

Immediately to return to sounder principles may be attended with very considerable difficulties; and a just and reasonable Government must proceed with caution in a question surrounded by so many difficulties, and in which the rights and feelings of the people of the colonies and the Legislatures are so much involved. I can only assure the House, on the part of the Government, that I shall extremely rejoice if I find a disposition — and I have reason to believe it exists — among the local Legislatures of the North American provinces, to take the most effectual means of getting rid of existing abuses; and, so far from throwing any impediment in their way, the Government would be glad to assist them in getting rid of them. As to the resolutions of my Honourable Friend: in the first place, I am not prepared to deny what the Honourable Member calls the fundamental principle of the disposition of colonial lands. I quite concur with my Honourable Friend, that free grants are altogether an abuse; and I altogether concur with him, that the only just means for the disposition of the lands of the Crown, in the colonies, is by impartial sale, at a just and sufficient price. But while I entirely assent to this principle, I heard several details in my Honourable Friend's speech from which I will not say that I entirely dissent, but upon which I confess I have not sufficient means to give any decided opinion; but I do say this, that there is enough of difference of opinion among persons whose authority is great in this House, — persons of official station, and personal experience in the colonies, — persons who have the best means of understanding the subject, and who have

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considered it impartially and closely,—to induce me to think that it would be extremely unadvisable that this House should pledge itself not only to the general principles of these resolutions, but to the details by which my Honourable Friend seeks to carry them into execution. The first important principle in these resolutions is that contained in the second resolution, in which it is stated that, "amidst the great variety of methods of disposing of waste lands which have been pursued by the British Parliament, the most effectual, beyond all comparison, is the plan of sale at a fixed, uniform, and sufficient price." This plan obtains at the present moment in the colonies, where the mode of sale is by auction, to the highest bidder, with a *minimum* price. I have found many of the most intelligent persons with whom I have had communication,—some of them governors of colonies, who have had the amplest means of forming an opinion,—who all believe that it would be unwise to act on the principle recommended by my Honourable Friend,—namely, that all lands, however different in situation and soil, however circumstanced as to the convenience of rivers and towns, should be sold precisely at the same price. I have found a different scheme more generally recommended,—namely, the setting of a sufficient *minimum* price, and then throwing the land into the market; leaving it to competition to determine, by auction, whether a greater price ought not to be given. My own impression is, certainly, in favour of selling by auction,—which is the system which had been adopted in the United States of America. I think that, under the system proposed, there would be extreme difficulty in guarding against jobbing and unfair preferences, where there might happen to be valuable land. I will, on this subject, refer the House to the opinion of an intelligent and distinguished public officer, Sir G. Gipps, Governor of New South Wales; who says, in one of his despatches, that nothing, in his opinion, is so essential to the prosperity of a colony, as to maintain inviolate the principle of selling all lands by public auction to the highest bidder. I warn the House to guard against committing themselves to a principle like that proposed, until it has had further time for investigation. I will come to the next part of the resolution, which goes on to recommend "the employment of the whole or a large fixed portion of the purchase money in affording a passage to the colony, cost free, to young persons of the labouring classes, in an equal proportion of the sexes." I agree, as a general principle, that it is most desirable that a large proportion of the money received from the sale of land should be devoted to the purpose of promoting emigration; but I object to the House pledging itself to any strict and definite proposal on this subject. The colony of South Australia is held out as a model for all future colonies; and, in the fourth resolution, it is stated that "this method of colonising has been applied to the new colony of South Australia with very remarkable and gratifying results."

Now, I beg to call the attention of the House to what has actually taken place in that colony. The fundamental principle on which that colony is founded is, that the nett proceeds of the land shall be devoted to the purposes of emigration. It is quite true that, in the first Bill, this principle was strictly and rigidly laid down. The commissioners were forbidden from devoting a shilling to any other purpose whatever; and I am quite sure what I am going to say will be a warning to the House against precipitately laying down abstract rules. For what is the fact? Not a year passed over, when the promoters of the first Bill came and asked for an important qualification. They had been borrowing money at 10*l.* per cent. to carry on the general government of the colony; and finding this a very extravagant mode of proceeding, whilst they were getting money through the sale of their lands, they brought in a Bill to enable the land fund to be loaned to the fund for the general government, or, in other words, to apply the proceeds of the land fund to the general government. Am I not, then, justified in calling upon the House to pause before they commit themselves to any plan of a similar description? But there is a claim of a more sacred and important nature to be provided for than even emigration, most important as that is,—I mean the protection of the interests of the aboriginal inhabitants. One of our first objects should be, to see that those persons are duly protected and taken care of out of the proceeds of the land funds. There are, also, other expenses, such as road making and surveying, which may, very properly, be charged upon the land funds. These are grounds against laying down a strict and invariable rules, which, however well they look on paper, would, I am sure, fail in practice. The next point, adverted to in the resolutions, to which I will call the attention of the House, is, the recommendation, "that in order to derive the greatest possible advantage

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from this method of colonising, it is essential that the permanence of the system should be secured by the Legislature, and that its administration should be intrusted to a distinct subordinate branch of the colonial department, authorised to sell colonial lands in this country, to anticipate the sales of land by raising loans for emigration on the security of future land sales." I am very far from saying that it may not be right and proper, under circumstances, to anticipate the land revenues of a country for purposes of this kind; but I feel that this is a principle which ought not to be brought into action without the greatest caution, and under very strict limitations, and I, for one, shall object to Parliament holding out vague promises which it may not be expedient to act up to afterwards. I have already ventured to refer to a passage from a despatch of Sir G. Gipps, on one part of this subject; and I will beg leave to read another, as I am sure it will have much more weight than anything I can say. Sir G. Gipps says, —

> With regard to the project of pledging the land revenue to purposes of emigration, it should be recollected that this is the only fund which the executive Government has to defray any charges which the Legislative Council may be disposed to reject; that it is impossible to maintain in a distant colony a sufficient check over imprudent expenditure.

I beg pardon, I am reading a wrong extract. I am not by any means sorry that I have read it; but the passage I did mean to read is to the effect that the carrying on of emigration on a large scale, by means of a loan, would tend to create a perpetual debt against the colony, which experience has taught us would not easily be got rid of; and, moreover, it would be extremely difficult to administer the government of the colony with a proper economy in the midst of the fictitious wealth produced by the loan. My Honourable Friend the Member for Sheffield has only done justice to my Noble Friend near me (Lord Viscount Howick), when he stated that he has been instrumental in placing the system with regard to the disposal of the land revenues on a much better footing than it was previous to the year 1831. At that period the regulations of Lord Goderich were adopted; and the effect produced by them on the land revenues of Australia, and the emigration to that country, was very remarkable. In 1830, the land revenues of New South Wales amounted to 1896*l.* This was under the old system. In 1831, they amounted to 3018*l.*; in 1832, to 18,683*l.*; in 1833, to 26,272*l.*; in 1834, to 43,489*l.*; in 1835, to 83,875*l.*; in 1836, to 108,558*l.*; and in 1837, to 127,866*l.* This affords a most encouraging proof of the extent to which these resources have been called into operation under a fair and proper system. I will state how the money has been applied to emigration during that time. In the year 1832, 5177*l.* was devoted to emigration; in 1833, 9025*l.*; in 1834, 7979*l.*; in 1835, 10,764*l.*; in 1836, 11,794*l.*; and in 1837, 44,729*l.* The House will observe that the year 1837 was the first year in which the Government system of emigration was really carried into operation. In 1838, when the system came fully into operation, no less a sum than 110,000*l.* was devoted to the purposes of emigration to New South Wales alone. No less than twenty-four emigrant ships went out, containing 6500 persons; and during that year the total number of emigrants to New South Wales amounted to 10,000. I think that this statement will satisfy the House that there is every disposition on the part of the Government to give encouragement to well-regulated emigration; but I must warn the House against supposing that it is impossible to send emigrants to a colony in too great numbers, in the absence of previous inquiry and regulations. Great temporary evil may occur from taking to a particular colony, at a certain time, a very large number of emigrants; and at this moment, by the last accounts from Sir George Gipps, it appears that even in New South Wales, owing to the accidental circumstance of a long drought, there is no demand for labour, and persons may be seen with their hands crossed, unable to find employment. If we take from the colonies all control, and give it to an office in London, I do feel that the results may be very disastrous and unfortunate. I do not wish to trouble the House with any further observations. I am truly sensible of the deep importance of this subject; and I may say for the Noble Marquess who holds the seals of the Colonial Office, that there is no subject on which he is more anxious. I can assure my Honourable Friend and the House that my Noble Friend approaches this subject with a mind wholly unprejudiced, and that he is most desirous, at the first season of leisure, to examine the question in all its details, with a sincere anxiety to do what is best for the interest of the colonies and of the mother country. I hope that my Honourable Friend will rest satisfied with this assurance, and that he will be of opinion that this is a question which might more properly be left to the Executive. I do not say this with any

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wish to evade the question, as I am animated solely by a desire cautiously and carefully to come to a conclusion that would most conduce to the interest and the welfare of the colonies and of the mother country.

Mr. WARBURTON. — I hope my Honourable Friend the Member for Sheffield will not rest satisfied with the mere assurance of the Government that this matter shall receive due consideration from them. The question stands ripe for the decision of the Government upon it. What is asked for by the present motion is this: that certain fixed principles shall be laid down, on which the Government, in all future sales of colonial land, and in the application of the produce of those sales, shall be bound to act; that the Colonial Office shall be deprived of that discretion which it now does, or may in future, exercise according to its will and pleasure, of acting or declining to act upon those principles. The Government understand those principles; for they have already acted upon them, to a limited extent, in New South Wales and in the new colony of South Australia; and by these two experiments, which have been eminently successful, the practical importance to this country of an adherence to those principles has been fully ascertained. Why, then, delay passing an Act which should be a rule for the guidance, in time to come, of the Colonial Office?

In the place of such a rule, what have we now to depend upon, but the capricious exercise of the prerogative? and with how utter a disregard to the interests of the colonies that prerogative is exercised, an example is afforded in the case of Nova Scotia. What can be thought of the attention paid by the mother country to the interests of that colony, when, in order to pay a gambling debt of the Duke of York, all the mines and minerals of Nova Scotia were, at one fell swoop, granted away to that Royal Duke? This grant was sold to a London silversmith, to whom these important rights were thus transferred in perpetuity. The important coal mines of that colony, — situated, like those of our own country, near the sea coast, — on the proper working of which, in future time, may depend the navigation by steam of those seas, and the maintenance, in that quarter, of our naval superiority, — the Crown, by one lavish grant, assigned away. If a man wished for a libel upon our system of colonial government, where could he find a stronger one than in the fact I have adduced? Acts, pregnant with mischief, such as these, done in utter disregard to the interests of the colony, would almost justify rebellion.

The Under Secretary for the Colonies has stated that other demands, than demands for emigration, may be made upon the land revenues, — demands which ought to be defrayed from that source. For the sake of argument, grant that to be the case. I would then say, let one fourth or one fifth be applied for those demands, and let three fourths or four fifths be applied for the purposes of emigration. Let them only lay down a fixed principle, not to be set aside or overruled by the mere *dictum* of a Colonial Secretary, but a permanent basis to which the country can look with certainty. After the luminous exposition of this principle given by the Honourable Member for Sheffield, and by the Honourable Baronet the Member for Leeds, I do not consider I need expatiate on this part of the subject. I only wish to express my conviction that the present and future prosperity of our colonies mainly depends on the carrying into complete effect the principles, first expounded by the clear intelligence of Mr. Wakefield. I sincerely trust that some distinct statement will go forth from the Government, that they intend steadily to apply the proceeds of the colonial land revenues in aid of emigration.

There is one part of the plan of my Honourable Friend the Member for Sheffield, from which I dissent; and that is, the reservation to the commissioners of power to raise loans by way of mortgage, in anticipation of the annual revenue, to accrue from the sale of lands. This would occasion an unsteady and fluctuating demand for emigrant labour in the mother country, — a great demand in those years when the capital, thus received by loan, is to be expended; a slack demand in those years when we have only the surplus annual revenue to apply. Now, it is of importance to the mother country that the yearly demand for the labourers who are to emigrate, and for the shipping to be employed in conveying the labourers, should be, as nearly as may be, constant, or steadily progressive.

Desirous as I am of promoting this plan of emigration, as a means of relieving the pressure of our population on the means of subsistence, I beg to guard against my being supposed to maintain the doctrine, that the Legislature, by affording this manner of relief, is in any degree exempted from the obligation of taking those other measures which would give life to industry at home, and advance the prosperity of the operatives, — from the

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bligation of allowing our artisans freely o exchange the work of their hands with he produce of other countries, of whatever lescription. Free trade in articles of ubsistence, and a well-devised system of migration, are the means best calculated o promote the permanent prosperity of he working classes in this country.

LORD VISCOUNT HOWICK. — I ave observed, with very great satisfac- ion, the apparently general concurrence of the House in the important principle, with respect to the disposal and occupation of land in the British colonies, which has been so ably stated, in his speech, by the Honourable Member for Sheffield. Nothing, certainly, can be farther from my intention than to express any difference of opinion from the Honourable Member respecting this principle; on the contrary, I entirely agree with him as to its soundness and extreme importance, — and I think, also, with him, that its discovery reflects great honour upon the gentleman by whom it was brought to light, and who first pointed out its influence upon the success of all schemes of colonisation. As far as I am aware, the benefits to be derived from the prevention of an undue dispersion of settlers in a new territory, with the means by which this object can best be accomplished, and the necessity of combined labour,—which, in a new country, can only be secured by artificially maintaining a proper proportion between the members of the population and the extent of land which they occupy, —had entirely escaped the notice of all writers upon political economy, until they were stated in those works of Mr. Wakefield to which the Honourable Member for Sheffield has referred, in terms of well-deserved commendation. I consider these principles to be not less important than they were novel at the time they were brought into notice by Mr. Wakefield; and they will, also, I am convinced, be found to be of very general application. They apply, not only to the Australian and North American colonies, but, as the Honourable Member has justly observed, it is in them that we must seek for the real cause of the introduction of slavery into our West Indian colonies; and it is only, therefore, I believe, by measures founded upon them, that the difficulties which have followed its abolition can be effectually removed; nor will the great measure of emancipation be rendered productive of all the good which ought to flow from it, unless the Legislatures of these colonies, by a wise application of the principles I have now referred to, endeavour to procure a regular supply of free labour.

But, however fully I agree with the Honourable Member for Sheffield as to the importance of the leading principle of the resolutions he has moved, I must, at the same time, express my strong doubts whether it would be expedient that they should now be adopted by the House. The first resolution states only an abstract truth, which it is, I believe, impossible to deny; I have, therefore, no other objection to offer to it, except that it is unnecessary, and that, taken by itself, and if not followed up by others tending to practical measures, it could lead to no useful result. But the second and third resolutions, which do point to practical measures, are expressed in terms much too absolute and too general to be safely adopted by the House — at least, in their present form. These resolutions would imply that the adoption of that policy with respect to the occupation of land, for which the Honourable Member contends, should at once be enforced in all the British colonies by the authority of Parliament.

Now — at least, so far as regards the North American colonies, which have attained considerable wealth, civilisation, and importance, and which have Legislatures of their own — this would, in my opinion, be a most inexpedient course; it would be an interference with the local Legislatures, which would be in the highest degree impolitic and improper. It is perfectly true, as the Honourable Member has stated, that there have been in these colonies very great abuses and much mismanagement in the way in which land has been granted; but I cannot concur with him in attributing this mismanagement entirely, or even principally, to anything like corruption, or a desire to promote improperly their own individual interests, on the part either of the Government or of the colonial authorities. I had no connection with the Government in those days in which these things took place, and I have, therefore, no interest in undertaking its defence; but, in justice to it, I must say that, although I am not prepared to deny the existence of jobbing in some cases, the mismanagement, with respect to grants of lands, was mainly attributable to the ignorance which then generally prevailed of the principles upon which this most important part of the administration of a colony should be conducted; the evil arose principally from mistakes honestly committed, — and mistakes, I must add, for which the colonial Legislatures were

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certainly not less to blame than the Government. The popular feeling in these colonies was altogether in favour of facilitating the acquisition of land by the *bonâ fide* settler,—and this was the object which the Government had in view; but neither the Government nor the colonial Legislatures perceived that it was one which could not practically be accomplished in the manner in which it was attempted. It was in vain to declare that no individual should obtain a grant of more than a certain size. Large tracts of land, which they could not improve, were still monopolised by individuals, who evaded the regulation by purchasing, at a nominal price, the grants which poor settlers had a right to claim; and this evasion could not be prevented by forbidding, for a certain time, the alienation of land which had been granted, without greatly impeding the application of capital, and the improvement of the land. In the same manner, the most stringent regulations which could be devised to enforce the settlement and improvement of the land which was granted, have always failed, from the impossibility which has been experienced of enforcing the rules that have been laid down, and compelling parties to perform the conditions attached to their grants. The whole system upon which these measures were adopted, was, in my opinion, unsound; and that was the far wiser and better principle, which Mr. Wakefield was the first to recommend, that every man should be allowed to obtain, not by grant, but by purchase, as much land as he chose, free from all conditions and all restrictions as to the use he might make of it,—trusting that, by requiring a sufficient price to be paid, a regard for their own interest would prevent individuals from seeking to obtain more land than they could occupy with advantage to themselves and to the community. In answer to a complaint of the Assembly of Lower Canada upon the subject, the reasons for the adoption of this principle in the disposal of the Crown lands were stated by Lord Ripon, in a despatch with which I am sure the Honourable Member for Sheffield is acquainted, and of which I am equally sure that he must entirely approve. But, Sir, the Honourable Member must be aware that the views stated in that despatch, however consistent with his opinion and with sound policy, failed to command the assent of the Colonial Legislature. The Assembly, and, I believe, I may add the colonists generally, still continued to prefer the policy of granting land, and of endeavouring to facilitate, as much as possible, its occupation by the poor settler. Nor is this the popular opinion only in our own colonies,—it extends equally to the United States; and the Honourable Member, when he so highly commends the system which has there been adopted, cannot be ignorant that there is, at this moment, a strong and general feeling amongst a large part of the population in favour of what is termed the "easy occupation of land," and that a proposition has been made (nor am I sure that it has not been adopted) for a reduction of the price of land, already far too low, according to the principle for which the Honourable Member contends.

Indeed, I so far differ from the praise which the Honourable Member for Sheffield has bestowed upon the management of their public lands by the United States, that I think those States, at this moment, afford a very striking proof of the bad effects which result from neglecting that most important principle of restraining the natural tendency to disperse in the settlers of a new country, which it was the main object of Mr. Wakefield's writings to enforce. Formerly, from being surrounded by hostile tribes of warlike savages, the settlers in what are now the United States were compelled to keep closely together, for the purposes of mutual succour and defence; but now that they are no longer under the influence of the same motives, they have scattered themselves to immense distances over extensive tracts of land; and it is this dispersion of the population, which has not been checked by the too low price demanded for land, which has, in my opinion, been the principal cause of that almost barbarous condition of some of the Western States, in which we hear of Lynch law, and of so many other moral and social evils. I have mentioned these things, in order to show how exceedingly strong a prejudice pervades the whole North American continent, in favour of giving every facility to the settlement and occupation of land. If, therefore, by Act of Parliament, we were to attempt to run counter to this strong popular feeling, and to enforce the adoption of a wiser policy, I fear it would be at the risk of entirely failing in the measures we might adopt. By persuasion and influence we may do much towards introducing that system, which I agree with the Honourable Member for Sheffield in approving; but if we carry our interference too far, and endeavour to act with authority, we may produce an effect the very opposite of that which we desire, and, at the same time, the most disastrous political consequences. It must not be forgotten that,

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since the Crown revenues in the North American colonies have been given up to the Assemblies, the Imperial Government has no power to act in these matters, except with their concurrence. With their concurrence, much, no doubt, may be done; and I trust that all proper means will be adopted to obtain it; but I must most seriously caution the House against encouraging any attempt to proceed by coercive measures.

For these reasons, I think the resolutions which have been proposed are inapplicable to our North American colonies; nor are they less so to those in the West Indies. The Honourable Member said that the principle which should be followed in the disposal of lands had been very recently stated in a despatch, addressed to the governors of the West Indian colonies by Lord Glenelg; but he complained that this despatch had been allowed to become a dead letter. I admit that this despatch has not led to any important results; but the Honourable Member has not adverted to the fact, that the reason of its having been so nearly inoperative is, that most of the lands in these colonies had previously been granted to individuals. Even in the large Island of Jamaica, of which so small a portion is yet occupied, I am informed that the right of property in only about 5000 acres remains to the Crown. It is not, therefore, by merely restricting the grants of land that the principle of the Honourable Member can be practically carried into effect; it is in vain for the Crown to put a high price on the land of which it still retains possession, while so much belonging to individuals can be brought into the market, and, by competition, will necessarily keep down its value. Under these circumstances, the only manner in which the principle of restricting the occupation of land can be carried into effect, is, by the measure to which the Honourable Member himself adverted, — namely, the imposition of a tax upon land. Undoubtedly this would, in my opinion, be a most advisable measure; nor do I believe that, in a majority of the West Indian colonies, a regular supply of labour will ever be obtained, until the greater part of the revenue necessary for carrying on the public service shall be raised by a direct impost upon the land, instead of by indirect taxation. But here, again, it is only by the intervention of the colonial Legislatures that this policy can be adopted. The resolutions, therefore, which the Honourable Member has proposed, in terms so general and extensive, are as inapplicable to the West Indian as to the North American colonies.

There remain, then, only the Australian colonies, as to which the resolutions of the Honourable Member can with propriety be applied; and I would ask him, what are the grounds upon which, even as regards them, he conceives it to be necessary for the House to adopt such a step? The intervention of Parliament is surely not required for the purpose of inducing the executive Government to adopt that policy in the disposal of land in Australia which he has advocated, since he has himself stated that this policy was first suggested in some writings of Mr. Wakefield, about ten years ago; and in the beginning of 1831, — that is, within two years, or little more, of the time when the suggestion was made, — it was adopted by Lord Ripon, so far as regards the Australian colonies. But, then, the Honourable Member said, "It is not sufficient that the system should be adopted by the Government; what one Secretary of State has done, another may undo, — and with the rapid succession of different persons at the head of the Colonial Office, there can be no security for that permanence in one line of policy upon this subject which is so essential for its success." No doubt, that is a plausible objection; but have we practically experienced those constant changes in the system of disposing of land in Australia, which the Honourable Member apprehends must be the consequence of frequent changes in the Colonial Office? On the contrary, though Lord Normanby is the fifth Secretary of State who has held that office since Lord Ripon's resignation, the rule which was laid down in 1831, that Crown land should be alienated by public sale, has ever since been strictly adhered to. It is true, some grants have been made; but these have only been grants to which parties were entitled under engagements entered into by the Government previously to 1831; and I am sure the Honourable Member is the last man who would contend that the change of system then adopted would have justified a breach of engagements with private individuals, which had already been contracted. For the purpose, then, of insuring a permanent adherence to the system adopted by Lord Ripon, so far as regards the alienation of the Crown lands in Australia, exclusively by public sale, — I think the Honourable Member cannot possibly contend that it is necessary for the House to come to the resolution he has proposed, or to legislate upon this subject. But I think I hear

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the Honourable Member say, that there has not been equal steadiness in adhering to the policy adopted by Lord Ripon with regard to the appropriation of the revenue derived from the sale of land; that the money so produced ought to be exclusively devoted to the promotion of education; and that, in 1834, a large proportion of it was improperly diverted to other objects.

I agree with the Honourable Member in thinking not only that land ought to be alienated exclusively by sale, but also that, in the present condition of the Australian colonies, the encouragement of emigration is the most useful object to which the proceeds of the land sales can be applied. But though I concur so far in the opinion of the Honourable Gentleman, I cannot admit that it is proper to lay down any strict and inflexible rule — that the whole, or even any given and large proportion, of the revenue derived from the sale of land, shall be laid out in carrying on a system of emigration. It must, in the first place, be admitted, by all, that the expense of collecting the revenue must, at all events, be defrayed out of it; and in this must be reckoned not only the expense of survey, but other very large items of charge, in the formation of roads, and the building of bridges, schools, and churches, which are necessary for the advantageous settlement of the country. The sums so laid out may justly be regarded as employed in preparing more land for sale, and increasing its value, and augmenting the future revenue; and as such means of communication and public buildings are absolutely essential for the existence of civilised society, if the funds necessary for effecting these improvements be not provided from the proceeds of the sales of land, they must, in the settlement of a colony, be defrayed by taxes, which every Government, including that of the United States, has found it very difficult and very disadvantageous to impose upon such infant communities.

Mr. C. BULLER. — Hear, hear, hear!

LORD HOWICK. — I perceive that my Honourable Friend the Member for Liskeard cheers in a manner which implies a contradiction of what I have now asserted. I understand what he means; I know that he would imply, that the great superiority of the system of settlement adopted by the United States, over that pursued in the adjoining British colonies, is, that in the former there exist municipal institutions, which, by the power they possess of imposing rates, provide for those important local objects to which I have just adverted. I do not deny this advantage on the part of the United States; I am aware that the improvements of civilised life make their appearance in an early stage of their settlements, as compared with those of Canada. I am far from undervaluing the achievements of their extraordinary energy and enterprise; but still, unless we are to disbelieve the accounts of every traveller who has described the condition of the Western States, it is impossible to doubt that the manner in which the wilderness is first occupied by the backwoodsmen — who have been termed the pioneers of civilisation — is rude and barbarous in the extreme. Each family settles upon the land cleared by its own labour, separated often from its nearest neighbours by impenetrable forests, without roads, without schools, without churches, without those advantages which constitute the whole difference between civilisation and barbarism. The Honourable Member says that the only revenue which by law they can raise for such objects as these, is that derived from local sales. But, Sir, it is because such is the case, — it is because a higher price is not put upon land, and the purchase money applied to these most necessary purposes, — that they are altogether neglected in the early stages of settlement, when the population is thinly scattered, and money cannot be raised by local contributions. My Honourable Friend may have a different account to give of all these things; he may tell us that, even in the back settlements of the United States, good roads, public buildings, and all the evidences of a highly civilised society are to be found: but he must excuse me for saying, that the three or four months which he has had the advantage of passing on the other side of the Atlantic, do not quite entitle him to knock down at once, with his authority, what those who have not travelled like himself may advance, on what they consider sufficient evidence. Travellers' tales should proverbially be received with caution; and though I am well aware that nothing can be farther from my Honourable Friend's intention than to mislead us by erroneous information, I cannot help thinking that he saw so much, and heard so much, during his short visit to America, that his recollection is not upon all points quite so clear as might be wished. Nor can I help reminding him, that this is not the first time that he has used his authority, as a traveller, to give me a point blank contradiction upon a matter on which he has since turned out to be completely in the wrong. I am aware

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that I am going a little out of the subject immediately under discussion; but I trust I may be excused for mentioning to the House one circumstance, as a proof of the necessity of our placing some limit to that credence which we are always disposed to yield to the bold and positive statements of these travelled gentlemen. The House may perhaps remember that, some time ago, during a discussion upon the alleged insufficiency of the force in New Brunswick, when threatened with hostilities from the State of Maine, the Honourable Gentleman made himself very merry at my expense, for having asserted that Sir John Harvey might, in case of necessity, receive assistance from the Governor of Lower Canada; he treated with supreme contempt the "ignorance" which such a supposition implied, and told me that the succour upon which I calculated could not possibly, at such a time, reach New Brunswick from Lower Canada, — unless, indeed, the troops who were to afford it could be carried in a balloon. Now, it so happens, that at the very time it was said to be so entirely impossible, a regiment was marched without the slightest difficulty from Lower Canada to New Brunswick, — that it arrived there in ample time to have afforded the aid which it was apprehended that Sir John Harvey might have required, — and when this was found not to be the case, it marched back with the same ease that it had got thither.

I have mentioned this fact, only to show to the House the propriety of receiving with a little caution the somewhat hasty statements of the Honourable Gentleman. To return to the argument I was pursuing: I must repeat, upon the concurrent testimony of every traveller, except my Honourable Friend, that in their infancy the new settlements of the Western States of America do not enjoy the advantage of tolerable roads, of schools, and of similar works of civilisation. I contend that if, in the colonisation of Australia, we would realise the views of Mr. Wakefield, and occupy the country, not with a population falling back into a rude and semi-barbarous condition, but with one enjoying all the advantages of civilisation and of a regularly organised society, we must not only take care to prevent the undue dispersion of the inhabitants, by requiring a sufficient price for the land, but we must also apply a part of the revenue thus obtained in effecting those necessary local improvements which cannot, by any other means, be so well provided for.

I have always thought that the money derived from the sale of lands in the colonies should be regarded as a part of their capital, which, as such, should be invested in their permanent improvement, not applied, in common with the rest of the ordinary revenue, to the purposes of current expenditure. Upon this principle, it seems to me that in the present condition of the Australian colonies, there is no permanent object to which these sums can be devoted of equal importance with the encouragement of emigration; and I therefore entirely concur with the Honourable Member for Sheffield in thinking that the largest part of these funds ought to be so applied for the present; but when the Honourable Member for Bridport hence argues that we ought to fix, by positive law, the proportion of the land revenue which shall be strictly reserved for this exclusive purpose, I would point out to him the objection to this course, which arises from the fact, that the proportion which he would invariably fix — is liable to constant alteration. It is obvious that, — although at the present moment it may be expedient to apply much the larger proportion of the funds in question to emigration, and reserve only a smaller sum for those local objects which I have mentioned, — as the colony increases in population and in extent, this will cease to be the case, as the necessity of emigration will diminish, and the amount of expenditure required in preparing new tracts of land for the occupation of the native inhabitants will increase.

But the Honourable Member, no doubt, will say that even the principle I have now endeavoured to lay down was widely departed from, by the diversion, in 1834, of a large part of the revenue derived from the sale of land in New South Wales to the maintenance of the police. I admit this to have been the case, and I regret, with the Honourable Member, the necessity which existed for so applying this money; but, at the same time, I must observe, that this necessity arose from the reluctance of the colonists to provide, by other taxes, for an expense which, in justice, they were bound to defray. The expense of the police in New South Wales is a charge which, upon no principles of fairness, can be imposed upon the people of this country; for, though it may be true that the necessity for keeping up so large and expensive a police force in that colony may arise from the character of the convicts sent from hence, it is no less true — as was well observed by the Honourable Baronet the Member for Leeds — that the astonishing wealth of our penal colonies is almost entirely derived from

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the labour of these same convicts. Surely, then, the colonists cannot expect at once to enjoy this advantage, and to be relieved from the burden by which it is accompanied? I conceive, therefore, that the charge for the police was properly thrown upon the colony; and that, as its inhabitants were unwilling to provide for the charge by other taxes, it was only just that it should be met by a diversion of the land revenue from an object in which they are chiefly interested, instead of throwing the burden upon the people of this country.

These considerations justify the conduct, in this particular, of the Government in 1834, which was objected to by the Honourable Member for Sheffield; and I can conceive many cases in which it would be better to divert a portion of the revenue arising from the sale of lands, to meet the necessary expenses of the colony, than to press too severely upon the revenue of a young and growing society by premature taxation: nor is it a little remarkable that this is the course which has been actually followed both in the United States and in South Australia —the very examples which the Honourable Member for Sheffield particularly pointed out to us for imitation. As to the United States, indeed, I think that when the Honourable Member for Sheffield said that we ought to follow in their footsteps, and that if we meant to pursue the same wise policy as to the disposal of land, we must take the system as a whole, and not attempt to adopt it only in part,—he must surely have forgotten that, although the sale of land may be conducted in that republic in a manner conformable to his views, such certainly is not the case with respect to the application of the revenue thus obtained; on the contrary, not one shilling of the money so obtained is applied in assisting emigration from the Eastern States; it is not even applied to those purposes of local improvement, which I regard as one of the most legitimate modes of employing it,—but it is, on the contrary, almost entirely expended as a part of the ordinary revenues in carrying on the public service. This is a mode of appropriating the sums received from the sale of land, which appears to me even an unwise one, though I am not prepared to push to the same extent with him the principle for which the Honourable Member contends.

But the example of South Australia is still more remarkable. This colony was founded for the very purpose of practically trying that system of colonisation, which it is the object of the Honourable Member to recommend to us. Its administration is principally intrusted to commissioners, who are almost all gentlemen particularly distinguished for their advocacy of this system. The Secretary of State has left them to pursue their own course, almost free from any interference on his part; and yet, even in this colony, so founded and so governed, it has not been found practically possible to adhere rigidly to that mode of appropriating the funds derived from this sale of land, which the Honourable Member now calls upon the House to declare, by his proposed resolution, that the Legislature ought to enforce generally, in all our colonies, by strict enactment. I confess I was greatly surprised that the Honourable Member, in his speech, totally omitted all reference to that very remarkable circumstance to which I now allude, and which was stated by my Right Honourable Friend the Under Secretary of State; namely, that the Commissioners of South Australia had been compelled to obtain the authority of Parliament for diverting to other objects a part of those funds arising from the sale of land, which, by the original Act, were made exclusively applicable to emigration. It is true some explanation of this has been attempted; but to what does it amount? Why, simply to this;—that to meet the necessary expenses of the first settlement of the colony, it was better to take a part of the funds derived from the sale of land, than to borrow money at so high an interest as 10 per cent. on the credit of its future revenue. No doubt it was so; and it is on that account I say Parliament ought not to lay down a strict and unvarying rule, which experience has shown that it is impossible, in all cases, to adhere to without great inconvenience; since even in South Australia it has been found that an application of a part of the funds derived from the sale of land, which the resolutions of the Honourable Member would, under no circumstances, permit, has afforded the only method of avoiding the necessity of saddling the colony with the burden of a loan on very high interest. I perceive the Honourable Member for Hull is listening to what I have now stated. If I am wrong, I shall be glad to hear from him an account of the revenue hitherto raised in the colony from any source but the sale of land, and therefore applicable, according to the original scheme, to its ordinary expenses. Something, no doubt, may have been raised by duties on importation; but I am much mistaken, if, as yet, funds have been levied, by these or any other taxes, nearly

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sufficient to meet the necessary expenses of the Government,—leaving these, therefore, inevitably to be defrayed either by loan, or by a partial diversion from their intended object of the funds obtained from the sales of land.

These considerations seem to me clearly to establish the inexpediency of laying down so strictly as the Honourable Member would recommend, the principle, that money obtained by the sale of land is to be reserved for the encouragement of emigration. But I think there is a still stronger objection to that part of the resolutions, in which it is proposed that for this purpose, the revenue derived from that source should be anticipated. I might leave this part of the case upon the admission of the Honourable Member for Bridport, who, though he supports the resolutions, has yet shown the inexpediency of adopting, without much more inquiry than has yet been bestowed upon the subject, the principle of anticipating the revenue in the manner which has been suggested. But I must add that I think the course proposed would be in the highest degree imprudent, because, if the number of emigrants were to be at once so much increased, there would be considerable danger that more might arrive at one time than it would be possible adequately to provide for. Should this occur, great distress and difficulty would be occasioned to the emigrants, of which the most exaggerated accounts would be circulated; and thus the disposition to emigrate, which is now so strong in this country, would receive a check from which it might not for many years recover. Those who remember the effect produced in discouraging emigration to Canada by the distress and suffering to which the emigrants were exposed in 1832, by the unfortunate breaking out of the cholera at Quebec and Montreal, and the panic which that disease created, will perceive how important it is that no similar interruption should occur in the progress of emigration to Australia. Bearing this in mind, I must believe that, upon further consideration, the Honourable Member, himself, will agree with me in thinking that it would be unwise to increase, in the manner he has proposed, the number of emigrants who are sent to Australia; and when he reflects that the present population of New South Wales being only about 100,000, has received, as my Right Honourable Friend has stated, in the last year, an addition, by emigration, of about 10,000 persons, or an increase of 10 per cent., he must concur with me in thinking that this is proceeding as fast as it is yet prudent to go. If we allow things to take their natural course, the labour of the emigrants already sent out will increase the resources of the colony, and thus, each year, the funds for emigration, and the means of receiving and providing for the emigrants on their arrival, will be enlarged; while, if we do not produce confusion and distress by attempting unduly to hasten the flow of the current, we may calculate that the emigrants will, in general, succeed and prosper, and that their letters to their friends and relations in this country will be the most effectual stimulants to further emigration. I must add, as another reason for abstaining from the attempt to increase emigration by means of a loan, instead of leaving the stream to become stronger and more rapid by degrees, that I believe, even now, the agent for emigration does not find the number of eligible candidates for emigration to New South Wales much to exceed that for which, with the funds at his disposal, he is enabled to provide the means of conveyance.

For these reasons, I trust the Honourable Member will not press the House to adopt the resolutions he has moved; and, if he should be inclined to do so, I hope, at least, he will make some change in the words as they at present stand. These words, I perceive, contain a declaration that land in the colonies should be sold at a "fixed, uniform, and sufficient price;" but the Honourable Member has not, in his speech, given us a single reason for establishing a rule which — at first sight, at least — appears so contrary to every principle of justice and of common sense, as that of affixing the same price to all land, however it may vary in fertility and in natural advantages. Why, I would ask, is this to be? One piece of land may possess the advantage of water frontage, which renders it far more valuable to the occupier than another; one allotment may have a much more productive soil than that which lies next to it. Surely, therefore, it is reasonable that there should be some difference in the price of lands, of which the comparative value is subject to such extreme variations. If one uniform and arbitrary price should be affixed to all land, whatever may be its quality, we should once more give rise to all those complaints and difficulties which arose under the old system of grants. I well remember how impossible it was, under that system, to give satisfaction to the parties to whom grants were made: each man thought that his neighbour's allotment was better than his own; and there was no end to the dissatisfaction that was

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created, and to the complaints, and applications to change one piece of land for another, which were continually pressed upon the attention both of the governors of the colonies, and of the Secretary of State. All these difficulties have now been effectually got rid of by the simple expedient of public sale and free competition; but they would all again recur, if we were to adopt the principle, recommended in the resolutions, of affixing one uniform and fixed price to all land, whatever might be its natural advantages.

In conclusion, I have only to repeat, that the resolutions which the Honourable Member has moved, are not called for by any practical necessity, and that, in their present shape, they are liable to serious objections. I trust, therefore, that he will agree with me, that it is better for the success of that policy which he has advocated, and for which I am not less sincerely anxious than himself, that he should be satisfied with the discussion which has taken place, without pressing his motion to a division, — which, I fear, would not look very well in our votes to-morrow.

SIR R. H. INGLIS. — The Right Honourable the Under Secretary for the Colonies has talked of clothing distant parts of the world with the laws, habits, and institutions of England, but he has omitted those two points which, in my estimation, are the most worthy the consideration of the Legislature of this country, because they are the only permanent bonds which can unite the colonies with the mother country. These two bonds are, the language and the religion of Great Britain,—without which, any other effort at union would be unsuccessful. This principle is applicable not only to Australia and the West Indies, but to every dependency of the British empire. It is applicable not only to those colonies where the language of the mother country is indigenous, but to those regions where the duty of inculcating the common language and common religion has been neglected. I have listened with great interest and attention to the speech of the Noble Lord who has just sat down, and I cannot but regret that the Noble Lord has wholly left unnoticed the observations which have fallen from the Honourable Member for Bridport, with respect to the grant made by his late Majesty George IV. to the Duke of York, — observations which I have heard with pain, and which ought not to be allowed to pass without comment, by those who are officially the protectors of the rights and prerogatives of the Crown. The great part of the speech of the Honourable Member for Sheffield went to the point that the prerogative of the Crown is to be superseded; and the Honourable Member for Bridport objected, not merely to the legitimate influence, but the lawful right, of the Crown to make that grant. Do these Honourable Members forget that, by law, the Crown was entitled to grant that which it did grant to the late Duke of York? That question has been decided; and I believe no doubt exists in the mind of any person, in or out of the profession, that the Crown had a perfect right to alienate its seignorial rights in the mines of North America. If that be the case, no Member of this House is justified in saying Parliament has a right to interfere in the matter. The only observation on the subject of general colonisation on which I think it necessary to trouble the House, is one which, I believe, was brought forward, ably and eloquently, both in this House and in his public writings, by my Right Honourable Friend Sir Wilmot Horton. No man ever bestowed more anxious and unwearied attention on the subject than my Right Honourable Friend. The general principle advocated by him was, that all emigration colonisation ought to be in the hands of the Government. In that proposition I entirely concurred; and, as the Duke of Wellington said on a different subject, that "this country can engage in no small war," I think that the colonisation of such a country as this ought to proceed from its own resources, and that we ought not to leave it to New Zealand commissioners here, or Australian commissioners there, or to some bubble company elsewhere, to send off the industrious, and in many cases too credulous, population of this country. The Government of the country ought to form their plans cautiously, and with a full sense, not only of what they owe to the people here, but also to the people elsewhere; and if we send out a constitution, at all, to the colonies, we ought to send out a miniature constitution of England. And, above all, we ought to send out the other blessings of England, great as they are. We ought to send out an adequate provision for religion, which has been greatly neglected in almost every enterprise that has ever been dispatched from England. I am not prepared to consent to enter on the Minutes of the House the resolutions of the Honourable Member, because the first resolution is a mere truism, and, as such, ought not to be entered upon our Journals; and the other involves a question which I think the House ought not be called upon, at present, to decide. I consider that the first, therefore, proves

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nothing, and that if we agree to the other, we may, hereafter, be charged with entering upon our minutes a resolution which we are not prepared to sustain.

Mr. C. BULLER. — I will occupy but a few moments of the time of the House in answering one or two matters (sufficiently irrelevant),—among them the Duke of York's debts, and other subjects,—which have been introduced into this debate. The Noble Lord has prolonged the debate, thinking, I suppose, that he has convicted me of an inaccuracy in a discussion which occurred three months ago. I then told the Noble Lord that the road from Quebec to New Brunswick was occasionally impassable. I used the word "now," and I should have said "in the spring;" for in the spring, at the breaking up of the winter, it is utterly impassable. Now, I misstated the time of the year. And thus, Sir, having refreshed my knowledge of the seasons, I assert that no mail can pass from Quebec to New Brunswick at the season when the roads are impassable; and if the Noble Lord dispute this point, it is one upon which we are decidedly at issue. The Noble Lord also says that I have given myself the airs of a traveller. I have given myself no such airs. I simply referred to a certain article in the constitution of the United States; and the Noble Lord argues, that if I be correct in my statement, it must be impossible to have local taxation in Australia, since it is found impracticable to have local taxation in the new States of North America. Now, travelling has taught me that the sole resources of those new states arise from local taxation. The Noble Lord says that the result is, that many public works are ill provided for; but I ask the Noble Lord, or any other person having an intimate knowledge of the colonies, whether, when compared with the new states, whatever may be the defects of the executive Government in those states, they are not better, in this respect, than any colony of this country, though such colony may be double the age of those new states? It was my intention to have made some observations on this important question; but at this late hour I will content myself with saying that I am glad to hear the language held by Ministers, and that they do not venture to deny the gross abuses which exist in the land grants and in the system of emigration into the colonies; indeed, the House generally has, by its silence, virtually admitted the truth of the charges, and has thus shown, in the best manner, its intention to take into its serious consideration these gross abuses. I hope the House will so take the matter into its serious consideration; and I did trust that her Majesty's Ministers would have given some assurance that they would establish the system of land grants on that permanent basis which legislation by the Imperial Parliament can, alone, secure, — for I believe, till this be done, no sound principle will ever be fixed upon; and that we shall continue to waste those mighty resources of this country and of the colonies, which the waste lands, if properly employed, would afford. This is a course most important to this country, as providing what this country requires,—namely, a vent for the surplus population; and to the colonies, as affording a remedy for the great want of every colony, — a permanent supply of working population. Therefore it is that I think it desirable that the House should pledge itself to such views, that my Right Honourable Friend the Under Secretary for the Colonies shall not feel himself at liberty to entertain any feeling in the matter to which the House is not a party. It is essential, also, that Ministers should not confine themselves to the mere expression of good intentions, but that they should apply to this subject that attention which the interests, as well of the labouring population at home, as of the colonies, so loudly demand.

Mr. SHAW. — I would suggest that surveys and inquiries should be conducted along the coast of Australia, with the view of applying steam communication for the connection of those districts adjacent to the coast in which it is most important to found settlements. I suggest this to the Government in the same spirit as the discussion has been carried on, — without any party feeling.

Mr. S. O'BRIEN.—The Noble Lord has said that there would be great difficulty in obtaining 10,000 emigrants to send to Australia. I can only observe, that in the district of Ireland with which I am connected, I believe that there would be no difficulty in annually obtaining that number of emigrants,— and those, individuals of good character, too. In the West of Ireland the people are nearly all in a state of starvation for want of employment, but they have no means of emigrating.

Mr. DARBY. — As emigration is going on to a great extent from Sussex, I wish to state my objections to these resolutions. In the speech of the Noble Lord I fully concur; and I object to the resolutions, because the first is a mere truism, and the

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second declares that the price of these lands shall be fixed at a uniform rate, — and how is it possible that this can be a fair rate? Either the good land will be sold for too little money, or the price of the inferior land will be too high. Again, how can we determine that a fixed proportion of the produce of these sales shall go for a fund to provide passage money? But if the expense be fluctuating expense for the survey of the land, how can we put by a fixed proportion of the money produced by the sale of lands for passage money? Then, again, as to the next resolution, it is declared, that "in order to derive the greatest possible advantage from this method of colonisation, it is essential that the permanence of the system should be secured by the Legislature, and that its administration should be intrusted to a distinct subordinate branch of the Colonial Department." What I understand the Honourable Gentleman to wish is, that the colonial branch of the Administration for this purpose shall be fixed, and not fluctuating: but I can see nothing in this resolution which will make this branch of the Colonial Office permanent and fixed, or secure to us that it shall not fluctuate as well as any other. The Honourable Member also said that this principle "should extend to all the colonies which may be suited to its operation;" but who are to judge as to which of the colonies its operations will be suitable to?

Mr. WARD. — I was aware, Sir, that, in bringing forward the motion, which has occupied so much of your time, one of the difficulties with which I should have to contend would be its novelty, and the startling nature of some of the propositions involved in it, to which few men become reconciled without a deeper examination of the subject than Members of this House in general have time to enter upon. From the Noble Lord the Member for Northumberland, who perfectly understands the principle upon which the new system of colonisation rests, I differ, principally, as to the possibility of carrying it out without the aid of an Act of Parliament, — which I hold to be indispensable. The Noble Lord, indeed, disputes the necessity of loans; but I must beg to remind him that loans, in anticipation of the land sales, are just as much a part of the theory developed in the works upon which he has bestowed so high and just a eulogium, as any of those other parts which he himself adopts.

My Right Honourable Friend, the Under Secretary for the Colonies, has gratified me much by not attempting any defence of the old system, which I denounce. He admits its enormities, but says that they never can return. I wish I could think so, too; but the passage which, by an unfortunate *lapsus linguæ*, my Right Honourable Friend read from the despatch of Sir George Gipps, proves that colonial governors are just as much inclined, as ever, to keep a control over the land revenue, "as the only disposable fund upon which the colonial Executive can draw in an emergency." Now, it was this very feeling in Canada, that destroyed the sinews of our strength there, and led to the very abuses which my Right Honourable Friend has condemned; and, unless the colonial governors be limited to the application of a small fixed proportion of the land revenue in their casual demands, and compelled to employ the remainder in emigration, those abuses will be repeated, with the best intentions, no doubt, under the present Government, as under all those that have preceded it. This is the principal difference between us. With regard to auction, if he wish to produce the greatest possible amount of money from land, there is a great deal in what he has alleged. If he wish to produce the proper proportion between land and people in the colony, he will find auction decidedly inferior, as a system, to the fixed and uniform price. In what he has said respecting South Australia, he must allow me to set him right. There has been no change of principle or system there, since the Act of 1834 was passed; but as the commissioners (for the security of the emigrants) find it expedient to pay only one half of the passage money in advance, and have, consequently, one moiety of the emigration fund always idle upon their hands, for twelve months at a time, they took power, last Session, to make advances from the emigration fund to the revenue fund, from time to time, in order to avoid the necessity of borrowing money at 10 per cent. These advances, however, are repaid within the year, the commissioners regarding it as their most sacred duty to maintain inviolate the principle of applying to emigration the whole proceeds of the land sales, without deduction of any kind. Sir, I have already trespassed too largely upon the indulgence of the House, to weary it with any farther details, and shall only now add, that, if I had brought forward this question at an earlier period of the Session, I should not have shrunk from testing, by a division, the soundness of my principles; but, as I have admitted the impossibility of legislating in the matter, this year, I shall leave it, now, in the hands of the Go-

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rnment, — hoping that it will be so dealt th during the recess as to make it unecessary for me, or any other independent ember, again to take it up.

I shall, therefore, beg leave to withdraw y resolutions, and content myself, for e present, with the hope that they have en the means of bringing, for the first me, a most important subject fairly der the consideration of the House.

[Cries of "Hear, hear!"]

The motion was then, by leave, withawn.

TONNAGE ON SLAVE VESSELS.

CAPTAIN PECHELL. — I rise, Sir, to bring forward a motion, of which I have given notice, respecting the operation of the Act of last Session, for granting allowance on tonnage of slave vessels taken by her Majesty's ships, and condemned under the late treaty with Spain. It has been charged, in another place, against the officers commanding the British cruizers employed in the suppression of the slave trade, that they were influenced by motives of personal interest in their mode of conducting that service.

An HONOURABLE MEMBER. — I move, Sir, that the House be counted.

House counted accordingly; and, forty Members not being present, the House adjourned at a quarter after twelve o'clock.

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HOUSE OF COMMONS, MERCURII, 26° DIE JUNII, 1839.

THE House met, and forty Members not being present at four o'clock, Mr. SPEAKER adjourned the House till to-morrow.

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HOUSE OF LORDS, Jovis, 27° die Junii, 1839.

APPEALS.

Shore *v.* Wilson.—Further hearing adjourned till to-morrow; and the judges to attend.

Mac Rae *v.* Mac Rae (or Hyndman) (principal action of reduction); Mac Rae *v.* Mac Rae (or Hyndman) (supplementary action of reduction). — Considered, and interlocutors affirmed.

Doe *v.* Vardill (writ of error); Doe *v.* Perratt (writ of error). — To be further argued, by one counsel of a side, on Monday next; and the judges to attend.

Duncan *v.* Findlater. — To be heard on Thursday next.

Lord Advocate of Scotland *v.* Lord Dunglas. — Matter of the petitions as to the recognizance of the appellant, and competency of the appeal, to be argued by one counsel of a side.

APPEAL COMMITTEE.

Seventh Report from, read, and agreed to; and ordered accordingly.

LAUTOUR'S DIVORCE.

"A Bill to dissolve the Marriage of Peter Augustus Lautour, Esquire, with Une Cameron Barclay, his now Wife, and to enable him to marry again; and for other Purposes therein mentioned."—Presented (pursuant to leave of the 27th of March last); read a first time, and ordered to be read a second time on Friday, the 12th of July next; and the Lords summoned, and the usual orders made.

CAMOYS BARONY. — BRAYE BARONY.

Committee for Privileges met; counsel in part heard on a special point (the judges being present), and committee adjourned till to-morrow at eleven o'clock; and the judges to attend.

MARSHALL'S ESTATE BILL.

Read a third time; amendments made; passed, and sent to the Commons.

TEMPLER'S ESTATE BILL.

Read a second time; and the Standing Orders Nos. 26. and 155. to be considered to-morrow, in ordered to be dispensed with; and the Lords summoned.

RUSSELL'S ESTATE.

Standing Orders Nos. 26. and 155. considered (according to order), and dispensed with; and Bill committed for Thursday next.

BLIGH'S ESTATE.

Judges' report received, and Bill read a first time.

EARL OF ANTRIM.

Petition of, claiming a right to vote at the elections of representative Peers for Ireland.—Read, and referred to the Committee for Privileges.

BALLOCHNEY RAILWAY BILL.

Read a third time, with the amendments; passed, and sent to the Commons.

CAMBER QUAYS (PORTSMOUTH) BILL.

Read a third time, with the amendment; passed, and sent to the Commons.

MOY NAVIGATION BILL.—NORWICH IMPROVEMENT BILL. — SIDMOUTH MARKET BILL.

Read a second time, and committed for to-morrow.

DEPTFORD PIER JUNCTION RAILWAY BILL.

Brought from the Commons, and read a first time.

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DUKE OF BUCKINGHAM AND CHANDOS' ESTATE.—GILES' ESTATE.—IVANOFF'S NATURALISATION.

Returned from the Commons, agreed to.

SLAMANNAN RAILWAY BILL. — WISHAW AND COLTNESS RAILWAY BILL.

Returned from the Commons, with the amendments agreed to.

MESSAGE FROM THE COMMONS,

For — Copy of the evidence taken before this House in the case of Mellin's Divorce Bill. — Evidence ordered to be communicated, as desired; communicated accordingly.

MONKLAND AND KIRKINTILLOCH RAILWAY BILL.

Reported from the select committee, with amendments.

PETERBOROUGH GAOL BILL.

Reported, with an amendment.

LIVERPOOL CHURCHES BILL.

Reported, with amendments.

SOUTH EASTERN RAILWAY (No. 2.) BILL. — LONDON AND BLACKWALL COMMERCIAL RAILWAY BILL.

Reported from the Standing Orders Committee, and leave given to proceed with the Bills.

MANCHESTER AND BIRMINGHAM RAILWAY BILL.

Reported specially, with amendments.

CHURCH DISCIPLINE BILL.

On presenting petitions against this Bill from clergy of the deanery of Cirencester; and from Cricklade and Malmsbury; and Stapleton,—

The BISHOP of GLOUCESTER and BRISTOL said: — I beg to observe that all the petitions which I have to present on this subject are not confined to the clergy; for I have one, numerously signed, from inhabitants of Stapleton in Gloucestershire. I am happy to say, with respect to the Bill itself, that it will be returned from the select committee in a form very different from that in which it was submitted to your Lordships by the Noble and Learned Lord on the woolsack.

Read, and referred to the select committee.

POSTAGE.

LORD ABINGER, LORD GLENELG, and LORD ASHBURTON presented petitions for reduction of the rate of, — of gentry of the counties of Longford and Westmeath: of the yeomen and others of Norfolk and Suffolk attending Beccles market: of solicitors, traders, and others of the metropolis: of the Bucks Association of Baptist Churches, assembled at Waddesdon Hill: of members of the Southwark Literary Institution: of members of the Eclectic Debating Society of Newcastle upon Tyne: of persons connected with the woollen trade in the city of London: of commercial, agricultural, manufacturing, and seafaring classes of Buckie: of tutors, pupils, and other inmates of Clapton House school, Clapton: of druggists, proprietors, clerks, and others of Lawrence Pountney Lane; 225. Upper Thames Street; 36. Paternoster Row; 3. Primrose Street, Bishopsgate Street; 112. Fetter Lane; 95. Bishopsgate Street; and 16. Bread Street Hill: of proprietor, compositors, pressmen, and others of the printing office, 38. Bell Yard, Fleet Street; 50. Bunhill Row; 18. Bury Street, Bloomsbury; *Spectator* newspaper; and 52. Broad Wall, Blackfriars: of persons employed in the establishment of Messrs. Chamberlain, London, wholesale shoe manufacturers; Richard Loader, 23. and 24. Pavement, Finsbury; Messrs. Young and Co., Limehouse; Messrs. Carter and Son, Limehouse; Apsley Pellatt, glass manufacturer, Falcon Glass Works, London; Messrs. Christy and Co., Stockport; W. M. Christy, Fairfield Mills, Manchester; F. Cowper, Russell Square; Jemima Kipps, Great Marylebone Street; F. H. Ridley, 52. Saint Paul's Churchyard; Messrs. Collard, Cheapside; Messrs. Milders, Spall, and Hardisty, Cheapside; Messrs. Hardwick and Ford, Holborn; T. Poppy, High Holborn; J. Cole, High

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Holborn; Messrs. Mordan and Co., City Road, Finsbury; Charles Adlard, Bartholomew Close; pianoforte manufactory, Store Street, Bedford Square; Messrs. Collard, Tottenham Court Road; Messrs. Deacon and Co., White Horse Inn, Cripplegate; Messrs. Hall, Brothers, London Wall; Messrs. Maudsley, Sons, and Fields, Lambeth; Messrs. Allin and Shipperson, Cheapside; Messrs. Draper, High Holborn; Messrs. Mew and Burgess, Holborn; M. Howitt, High Holborn; Messrs. Oldroyd and Magrath, Bread Street; Messrs. James and Robinson, Great Trinity Lane; Messrs. Puzey and Pallet, Bread Street, city of London; Messrs M'Alpin, Bread Street; R. T. Johnson, Hackney Road; and the National Loan Fund Life Assurance Society: of inhabitants of Cheddar; Tipperary; Fore Street, Cripplegate; Axbridge; Newby Place, Poplar; Cheriton Bishop; Ottery Saint Mary (Devon); Hackney, Homerton, Stepney, and Clapton; Hoxton; Talaton; Bedford Place, Kensington; Aylesbury; Culmstock; Young Street, Kensington; Powderham; Chepping Wycombe; Commercial Road East; Llangefni; Hemiock; Thame; Ilsington; High Street, Poplar; Poplar; Kensington Gravel Pits; Camberwell New Road; Droylesden; Stratford (three petitions); and Hackney and Clapton (three petitions): and of persons signing (three petitions). — Read, and ordered to lie on the table.

EDUCATION (NATIONAL).

The MARQUESS of WESTMINSTER.—I beg leave to present a petition in favour of national education, — from the congregation of Unitarian Dissenters of the Presbyterian chapel, Crook's Lane, Chester. It has been asserted lately, that, in the same proportion as education is extended, crime also increases; but this I most distinctly contradict.

Read, and ordered to lie on the table.

VOTE BY BALLOT, TRIENNIAL PARLIAMENTS, AND A MORE EXTENDED SUFFRAGE.

The MARQUESS of WESTMINSTER. — I hold in my hand a petition from an individual named Charles Lee, in favour of the Ballot, triennial Parliaments, and a more extended suffrage. I have long entertained the same opinions as are expressed by the petitioner with respect to the Ballot, and every day serves but to strengthen them. I am not sure that the Ballot would be all-powerful; but I have made up my mind to this, — that, without it, there never can be an effectual stop put to intimidation and bribery. With regard to triennial Parliaments, I may say that they were so held formerly, and that such is the more constitutional practice. And as to an extension of the suffrage, there is a stronger reason for it, now, than existed formerly, in consequence of the 50*l.* clause in the Reform Bill.

Read, and ordered to lie on the table.

LONDON AND BLACKWALL COMMERCIAL RAILWAY BILL.

The DUKE of WELLINGTON. — I beg leave to present a petition from inhabitants, householders, occupiers of houses, and premises within the wards of Aldgate and Portsoken, in the city of London, against the Blackwall Railway Bill. This Bill has been read a first time, and is now lying for consideration on some future day; but, whatever general objection I may feel to interfere with Bills in such a stage, there are circumstances attending this, so extraordinary, that I consider it my duty to give notice that I shall oppose it on the second reading. I shall take that course on this principle: — About three years ago an Act of Parliament was obtained for purposes connected with this railway, containing certain conditions, — which conditions have not been performed by the company which was to carry the railway into execution; and they now come to ask your Lordships to permit them to depart from those conditions. One condition was, that the works of this railway should not be carried on within the city of London, westward of the Minories; and yet their proposition, at present, is to extend it to Fenchurch Street. There were also certain conditions stipulated as to the form and level of the railway,— every one of which has been broken through. I therefore think the House must relax the rule that it is generally understood should obtain, of not rejecting these Bills on the second reading, by refusing to pass the one now before you, even through that stage.

The MARQUESS of SALISBURY.— I regret that the Noble Duke should propose to depart from the usual course of proceeding in this House, and trust that your Lordships will suspend your judgment on this Bill until the second reading.

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JAMAICA BILL.

The MARQUESS of NORMANBY. — I beg to give notice, that, to-morrow, I shall move the second reading of the Jamaica Bill, as I understand there will be no opposition to my doing so; after which, counsel may be heard upon it, and the discussion may take place on Monday.

FOREIGN FRUIT.

The EARL of WINCHILSEA presented petitions against the importation of, unless upon payment of a duty sufficient for the protection of the home grower,— of owners and occupiers of orchards and fruit plantations, and others interested in the growth and sale of British fruit, of Sittingbourn and Faversham; Canterbury; and Wingham.— Read, and ordered to lie on the table.

MAYNOOTH COLLEGE.

The EARL of WINCHILSEA presented petitions against any further grant of money for the support of, — of ministers chapelwardens, and congregation of Trinity Church, Leicester; and of freeholders of Peckham. — Read, and ordered to lie on the table.

PRISONS BILL.

The EARL of WINCHILSEA. — I beg leave to present a petition from members of the Protestant Association, in which the petitioners state, that they have learned with deep regret that, in the House of Commons, there is a Bill now pending for the better ordering of prisons, into which it has been proposed to introduce a clause for providing, under certain circumstances, Roman Catholic chaplains to the gaols, to be paid by the state. They believe that this Bill, if it were passed, would increase the power and serve the purposes of the Papists, and therefore pray your Lordships not to sanction it. I will only say, on the presentation of this petition, that if ever the measure to which the petitioners refer should come up to this House, it shall have my most decided opposition. The principle of paying Roman Catholic chaplains to gaols is directly contrary to the Protestant constitution of this country, as it would be making the teaching of Popery to be paid by the state. This, I repeat, is a direct violation of the principles which placed her Majesty on the throne; and if her Majesty should unhappily be so ill advised as to sanction such a measure, I am bold enough to contend that she would thereby forfeit the only title she has to hold the sceptre of these realms. I have now to present two petitions to the same effect,— from inhabitants of Piccadilly; and Blendworth.

Read, and ordered to lie on the table.

ROMAN CATHOLIC RELIEF ACT.

The EARL of WINCHILSEA presented a petition for repeal of, — of inhabitants of Blendworth. — Read, and ordered to lie on the table.

CLERGY RESERVES IN CANADA.

The BISHOP of EXETER. — I wish to put a question or two to the Noble Marquess the Secretary for the Colonies. I first wish to know — is the Noble Marquess yet able to say whether the Bill respecting the clergy reserves, said to have been passed by the Legislature of Upper Canada, has reached this country? and whether it is such a Bill as her Majesty's Government will deem it right to lay on the table of the House, before it receives the Royal assent?

The MARQUESS of NORMANBY. — The Bill alluded to by the Right Reverend Prelate has arrived; but not in such a formal state as to admit of its being laid before Parliament. The Great Western is hourly expected; and I hope soon to be able to give the Right Reverend Prelate a more definite answer.

The BISHOP of EXETER. — I wish also to know from the Noble Marquess, whether any instructions have been sent out, by Government, to Sir George Arthur, on the subject of the clergy reserves, and generally for the support of religion and the extension of religious instruction in Upper Canada?

The MARQUESS of NORMANBY. — Such instructions have been sent out; and I believe they are included in the papers laid before the House, on the Rectory question; but if they are not, I will undertake that they shall be laid on the table.

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BEER ACT.

LORD BROUGHAM. — I hold in my hand a petition in favour of the Beer Act in Part Repeal Bill,— from inhabitants of New Shoreham, in the county of Sussex. I have received a vast number of letters on this subject, from the owners of beer-houses. It is easy to receive such communications; but it is not so easy to answer them. Many of those persons complain of my having described them as dealers, without any capital, and whose furniture consisted of only a few chairs and broken mugs; and they invite me to visit their houses, and judge, for myself, whether they have not capital embarked in their business. Now, as it is impossible that I can comply with their request, I will only observe, that I never said, nor did I ever hear any one say, that there was no capital embarked in these beer-shops. What I did say was, that, from the very nature of the business, it could be, and was in many instances, carried on by persons with little or no capital, and that in one case a parish pauper had opened a beer-shop; but I do not mean to deny that there are, perhaps, thousands in the business who have embarked considerable capital in it.

The MARQUESS of WESTMINSTER. — I should be glad if the Noble and Learned Lord would go with me to some of these beer-shops, to judge for himself, whether or not they have capital, and how they are conducted.

LORD BROUGHAM. — I beg to apologise to my Noble Friend for not being able to avail myself of his invitation on the present occasion, any more than I could attend the great entertainment the other evening in Eaton Square.

Read, and ordered to lie on the table.

BILLS OF EXCHANGE BILL.

On moving the third reading of this Bill, —

The MARQUESS of LANSDOWNE said: — I beg leave to move two amendments to this Bill, by way of rider, to which I wish to call the attention of the Noble Duke (the Duke of Wellington); though I do not expect that they will be objected to. There is a prevalent practice in the city of London, which is technically called "forbearance," — that is, that when a bill is expired, it is renewed without a payment, and fresh advance; and the object of one of my amendments is to enable a person who forbears, to take the same rate of interest, as if there were a new advance made: my other suggestion is, to extend the operation of the Bill to other securities besides those already mentioned; — to warrants of goods, bills of lading, or other commercial securities.

LORD ASHBURTON. — I consider that the taking any amount of interest on goods in pledge would be very dangerous, and as totally distinct from the principle on which the other parts of the Bill have been introduced.

The Bill was then read a third time.

The MARQUESS of LANSDOWNE. — I now beg leave to move the assertion of the words "warrants for goods," &c. This amendment has been pressed upon me by those who are well versed in commercial affairs; and, as warrants for goods represent property *in transitu*, I see no objection to the proposal.

LORD ASHBURTON. — Those who wish for a repeal of the whole of the usury laws, will, doubtless, agree to this amendment. Looking at the recent proceeding of the Bank, in raising the interest of money to 5½ per cent., I must say that I think that was an imprudent one; but that, in my opinion, does not justify the extension of the principle now proposed.

LORD BROUGHAM. — I would caution the Noble Marquess against the use of such general terms as "or other commercial securities." I am alarmed at the possible construction which a court of law might put on those words. Many things may be considered commercial securities, which the Legislature does not contemplate in the application of the principle of the Bill.

The MARQUESS of LANSDOWNE. — Well; I have no objection to strike out the words "or other commercial securities."

On the next clause being read, allowing interest above 5 per cent. to parties holding Bills on forbearance, —

LORD WYNFORD said: — I, certainly, for one, cannot agree to this clause, for it would, virtually, amount to a repeal of the usury laws.

The LORD CHANCELLOR. — The

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objection raised by my Noble and Learned Friend (Lord Wynford) is the same in effect as that which your Lordships discussed and decided on a former evening. The interest on the forbearance would be interest, as it were, on a new loan.

LORD ELLENBOROUGH.—I would suggest, that, as these clauses seem to be after-thoughts of the framers of the Bill, and as there appear to be grave differences of opinion amongst Noble and Learned Lords respecting their effect, it would be better to have them printed, and stand over for consideration till to-morrow. It is only due to justice, and to the interests of the persons who will be affected by the Bill, that your Lordships should not legislate upon such an important subject without a previous opportunity being given to consider the nature of the amendments proposed.

The MARQUESS of LANSDOWNE. — I am perfectly willing to act upon the suggestion of the Noble and Learned Lord opposite.

The debate on amendments was accordingly adjourned till to-morrow. The Bill, as amended, to be printed; and the proposed amendments also to be printed.

HIGH SHERIFFS' EXPENSES BILL.

LORD COLBORNE. — I rise to move the second reading of the High Sheriffs' Expenses Bill. This measure originated in a Report of a committee of the House of Commons in 1830, on the expenses which fall on the high sheriff. I need not point out to your Lordships the fact, that the office of high sheriff is one of great importance and of high ambition; yet, instead of being regarded as an honour, it is looked on rather as a burden, so that every person tries to shuffle it off his shoulders. The object of this Bill is to regulate and reduce the expenses at present incurred by the high sheriffs, and throw them on the county rates. After some discussions, and two divisions, this Bill passed the other House. I know of two objections, only, that are to be started against this measure: one is, that the effect of it would be to lower the character and station of the high sheriff, and induce individuals of lower rank in life to take the office. That is an objection far more specious than true. What is the real fact? Why, that individuals, who, from their known standing in the country, and from their landed property, are nominated to the office, — deterred by the expenses attaching to it, — are induced to become officers of the militia, in order that they may obtain an exemption from the liability. The other objection is, that the expenses are to be charged on the county rates. I have all my life been as unwilling as any one can be to throw any charge on those rates; but as the expenses of the office of high sheriff will be reduced from 600*l.* or 800*l.* a-year, to 200*l.* or 300*l.*, I do think, as far as this Bill is concerned, that the principle of transferring the charge is good. I only ask your Lordships to give this measure a fair consideration. The office of high sheriff is a very arduous task imposed on a very useful class of society, — namely, the country gentlemen.

The DUKE of RICHMOND. — In pursuance of the notice I have given, I rise to move, That this Bill be read a second time this day six months. The very reason for which the Noble Baron thinks that the measure ought to pass into a law, is the reason on which I think it ought not, — that is, because the Bill was recommended by a committee of the House of Commons in 1830. My Noble Friend was a Member of the House of Commons at that time; and if he thought this so useful a measure, why did he not then introduce such a Bill? The very fact of the subject not having been taken up from that period to the present, shows that the Members of the House of Commons agree with me that this Bill is a useless one. The Noble Lord says that the high sheriff's office is an office of high honour. I admit it to be such; and the high sheriff must pay for honour, like everybody else. I do not want the expenses which fall on the high sheriffs, however, to be so high as to ruin them. The Noble Lord says that the high sheriffs, when appointed, use great interest to get off, and that the country gentlemen get, in that view, appointed militia officers, — by which proceeding they become exempt from serving the office. There is, I know, very great difficulty to get off the liability to serve; and I think you ought to prevent the being in the militia an exemption from the duty. One objection I have to the Bill is this, — that the high sheriff is to be paid for his javelin-men; that he is to appoint not more than twenty-two men and two trumpeters, nor less than ten javelin-men and one trumpeter; the clerk of the peace is to pay for these, and the justices are then bound to pay this sum out of the county rates. Now, I think it rather a new principle, that the clerk of the peace is to go into what expenses he shall think fit, and, then, that the magistrates

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are to be obliged to pay for them. I want to know why the high sheriff is not to pay for the distinction of his office, the same as every other person? If the guardians of the poor — if the overseers of the poor — if the jurymen — and if the grand jurymen — travel great distances to do their duty to their country, and do that duty cheerfully, why is the high sheriff to be relieved? The case amounts to no more than this, — that you are going to relieve the rich man from a certain expense, and put it on the county rates. Now, who pays the county rates? The landholder, the farmer, and the labourer — ay, the labourer too, for he pays his quota, and yet you are going to make him contribute towards this expense. I think, that if gentlemen in the country are of opinion that this expense ought not to be paid, they should be straightforward enough to come forward and say, "We cannot afford to pay this expense, and we decline to do so." In conclusion, I beg to move that this Bill be read a second time this day six months.

The EARL of WINCHILSEA. — As regards this Bill, I will only express my belief that it will be a most unpopular measure, because it will increase the county rates. The duties and expense of the office of high sheriff are only borne once, whilst the duties of jurymen and other onerous duties are borne frequently by other classes. On these grounds I shall support the amendment of my Noble Friend.

The MARQUESS of LANSDOWNE. — In my opinion it would be hardly worth while to interfere with the appointment of high sheriff in the way that is proposed by this Bill; and as it would throw the burden of the expense on the poor, and relieve the pocket of the rich man, or of him who ought to be rich, I think it is better that it should not be passed. It is true that very often persons appear on the roll who ought not to be placed on it; and persons who ought to be on it are omitted. There should be greater care in nominating the persons eligible for the office. Those who are appointed, are quite repaid for the expense by the honour of serving the old constitutional office of high sheriff, which I should be sorry to see pass into disrepute, and which is an office that always gives a gentleman an opportunity of distinguishing himself by the manner in which he discharges his duty. With respect to the point referred to by the Noble Duke, — that of taking away the exemption from serving at present enjoyed by those who hold commissions in the militia, except when on actual duty, — I beg to say that I have a Bill now actually drawn up for that very object. As respects the present measure, I really do not think it would afford much relief; while it would, certainly, be clothed with a very invidious character.

LORD COLBORNE. — What has been said convinces me, not that the Bill is a bad one, but that I have no chance of carrying it. The Noble Earl says, "Why are not the sheriffs to pay their expenses the same as grand jurymen?" But the pinch of the case is this, — that a grand juryman pays but his own expenses, whereas the high sheriff is called on to pay the expenses of other people. I will not trouble your Lordships to divide on the question, but beg to withdraw the Bill.

The Bill was, accordingly, ordered to be read a second time this day six months.

AFFAIRS OF MALTA.

The EARL of RIPON. — I have, at length, an opportunity of drawing the attention of your Lordships to some matters connected with Malta, which appear to me of considerable importance. I regret, considerably, that circumstances occurred, beyond my control, which prevented my bringing this subject under your Lordships' consideration at the time I had selected for that purpose; and I should have been very unwilling, indeed, now, to press it on your Lordships' notice, if I did not feel that it related to matters which have always affected individuals, most severely, — which have inflicted on individuals great hardships, great injustice, great wrong, — if it did not involve principles which I think are of great moment as regards the constitutional relations of the Commissioners of Inquiry and the executive Government; and I have also to observe, as another reason why I feel myself bound to proceed with this motion, that there are matters connected with it which personally affect myself; and although the Noble Marquess (the Marquess of Normanby), when I gave notice on the subject, was pleased to characterise it as "an injudicious motion," I, nevertheless, feel that I should not be doing justice to the individuals to whose cases I refer, if I did not bring this question before your Lordships. In what respect it is injudicious, I, certainly, am at a loss to conceive. No doubt it is very injudicious in me to suspect the infallibility of the Maltese commissioners, and the propriety of the mode in which they have treated persons of very great consequence. It may be very presumptuous in me to ques

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tion the infallibility of the conduct of the Colonial Office, or of the Lords of the Treasury, for the way in which they have dealt with those persons: if so, I am very sorry for it. But I trust I shall be able to show to your Lordships that there are just grounds of complaint with respect to the conduct of the commissioners and of the Colonial Office in this instance. The matters which I have to lay before your Lordships relate to the removal from office of three individuals, — the Chief Justice, the Attorney General, and the Collector of Land Revenues. My object is to obtain certain information with respect to these cases, in order that your Lordships may see whether or not justice has been dealt out. Those gentlemen had held situations in Malta for different periods; the Chief Justice for twelve years and a half, the Attorney General for seven years, and the Collector of Land Revenues for something more than five years. They were, every one of them, cashiered without ever being heard in their defence; no questions were asked of them; no examinations were gone into, at which they were present, with respect to the nature of their duties or the manner in which they performed them — with respect to the effect, or the consequences, of so depriving them of their situations; they had no one opportunity of vindicating their conduct, and showing that the opinion of the commissioners was wrong. They never knew, and they do not know at this moment, who had been examined with respect to their conduct; they do not know whether anybody was examined; nothing has been communicated to them of what anybody has said of them. They have never been told whether the evidence given against them was given by some rival, by a personal enemy, or by a subordinate in an office; and they may, for aught they know, be the victims of persons stating things behind their backs, which they have never appeared in open day to confirm. The resolution taken by the commissioners, to recommend the removal of those gentlemen, was sent home without any communication being given to the parties concerned that such a recommendation had been given; and they were therefore deprived of the opportunity of meeting any impression to be made on the Noble Lord's mind, by any protest against that resolution. I think that here was a course of proceeding contrary to the first principles of justice, — a course never adopted towards any persons with respect to whose offices commissioners had theretofore been appointed to inquire. If, indeed, the duties of these commissioners had been to make inquiry respecting reports, abstract principles, and *dilettanti* views of society, it might be thought unnecessary to go into inquiries; but when the result of that investigation was, — to affect the present interests, the individual characters, and the personal feeling of individuals, I do say that they had a right to expect that they would, themselves, have been examined, and have been furnished with an opportunity of showing that they were not to be deprived of their situations, and have their prospects in life blasted, and have — (as has been the case in one instance) — positive ruin inflicted on them, without the opportunity of showing how unjust such a removal would be. I must confess that I am astonished that my Noble Friend, himself, was not struck with the unfairness of this course, before he came to a decision on the subject, and advised the Crown to adopt this recommendation. I wonder that my Noble Friend did not think it would have been just to ask those gentlemen whether they had anything to say in their own defence? But he did not do that: he adopted the recommendation of the commissioners, and cashiered those gentlemen; and although the commissioners did recommend, in the most unequivocal manner, that they should not be removed without having a fair remuneration and superannuation, my Noble Friend, in a moment of forgetfulness, removed them without either remuneration or superannuation. This recommendation is to be found in one of the earlier Reports, which lays down this general principle, —

> That it has been the usage in the colonial service to give compensation to persons whose offices have been abolished.

And they go on to say, —

> Unless a provision of that kind were made for such persons, we, ourselves, should be unwilling to recommend reductions which would cause so much suffering to individuals, and her Majesty's Government would perhaps be unwilling to adopt such recommendation.

My Noble Friend (Lord Glenelg) did partially adopt the recommendation of the commissioners: he transmitted the cases to the Lords of the Treasury; and he, no doubt, sincerely recommended to the Treasury to consider the situations of these gentlemen favourably: but my Noble Friend ought to have reflected; for he knows very well that the Treasury are governed by strict and inflexible rules, — my Noble Friend ought to have remembered that there is a *robur et æs triplex* round the bosoms of those occupants of Downing Street, which it is difficult to soften — or, — softening, — to bend. But I

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must say, I do wonder why my Noble Friend did not at once say, openly and fairly, to the Lords of the Treasury, "If you do not give these men compensation, I shall postpone acting upon the recommendations of the commissioners." This would have been fair to the public, and fair to the parties. But this course my Noble Friend did not follow. I think I have now shown that great harshness has been practised towards the gentlemen in question. They have been deprived of their offices without any previous intimation of such an intention being entertained, and without anything like an opportunity of stating their own view of the case, by way of explanation or defence. This is bad enough; but the harshness of which I complain does not end here. When these gentlemen came to England, they were obliged to fight their own battles — to go themselves to the Treasury, and represent their case; and everybody knows how hardly parties in such a situation are likely to be treated there, and how unlikely they are to obtain what they are entitled to. I contend that a grievous injury has been inflicted upon these gentlemen. I shall next proceed to state the principal circumstances of each case. The Attorney General and the Chief Justice of the island were both recommended to be removed, by virtue of two several Reports of the commissioners, dated respectively the 19th and 18th of April, 1828. But your Lordships will be surprised to learn that, in reality, no Reports, written at the period of those dates, are in existence, — the Reports which purport to be of those dates having been, in truth, framed and written at a subsequent period, and antedated for the purpose of giving a proper colour to the transaction. The following are, what I must think, the very peculiar circumstances of this affair. It seems that the real Reports reached the Colonial Office in the month of May, 1838, and immediately engaged the attention of my Noble Friend. My Noble Friend, in his despatch of November 10. 1838, says, —

> The result of much consideration was to convince me that the recommendations of the commissioners, as originally framed, could not be acted upon without some serious inconvenience.

This paragraph, I think, may give room for some little doubt as to the propriety of the recommendations upon which, according to the Secretary of State, it was thus inexpedient to act. It also absolves me from the Noble Marquess's charge of bringing forward this subject injudiciously. But the despatch goes on to say that my Noble Friend, in these circumstances, thought it advisable to wait until the commissioners came to England. Then my Noble Friend the Secretary of State, and my Noble and Learned Friend on the woolsack, in conjunction with the commissioners, proceeded to revise the original Reports, and to concoct an entirely new scheme. My Noble Friend states, —

> Various conferences were held between the commissioners and myself, assisted by the Lord Chancellor, whose judgment upon questions of this nature is, of course, entitled to the highest authority. . . . Having received a full statement of the difficulties which suggested themselves, the commissioners requested permission to withdraw their original Reports, with a view of making such amendments as, upon a consideration of the whole subject, should appear to them desirable.

After mature consideration, the commissioners returned their Reports to me in the form in which they now appear. The original dates are retained, and the amendments are not distinguished, nor am I aware that there was any sufficient motive why such a distinction should be made. I confess this does appear to me to be a very extraordinary proceeding indeed. This was confounding the relations of the executive Government and its commissioners. Why are commissioners appointed? And why is power of inquiring and of reporting given to them? Because the executive Government have not time, or have not opportunity or other means, to make the necessary inquiries. The Crown therefore steps in and delegates the necessary power to commissioners, whom it sends out to pursue the investigation on the spot. But what is the duty of the commissioners? They are bound to give the Crown the best of their judgment and suggestions upon the subjects submitted to them; they are bound to present to the Crown, not what the executive Government may please to concoct, but the deliberate result of their own free opinions. But if this were not the duty of commissioners, and if they were to be allowed to concoct their Reports so as to meet the views of the executive Government, what injury might be done, and what injustice on individuals? I do not say that my Noble Friend would permit or abet anything of that sort, — I only point out the tendency of such a practice; but I do say, and I say it with all respect, that the commissioners, in conjunction with my Noble Friend and the Noble and Learned Lord on the woolsack, appeared to forget, in these consultations of theirs, the relative situations which they held with respect to one another. But if they thus got hold of the Reports of these

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gentlemen, and then made them take them back and alter them to meet their own views, — then my Noble Friend opposite (Lord Glenelg), and my Noble and Learned Friend on the woolsack, surely made themselves responsible for the amendments, which, probably, they suggested on the original Reports. They are responsible, in fact, for the whole and for every part of the new Reports; and especially have they made themselves responsible for that part of the Report which respects the chief justiceship. To this I will now call your Lordships' attention, although it is the same part to which I took the liberty of calling attention, formerly; for at that time I did not know, or, at least, did not advert to, the remarkable circumstances which attended the making of this Report. This is what the Report says, after stating that an objection might be made to the abolition of the office of chief justice, inasmuch as the presence of an English lawyer, in an official measure, is a useful restraint upon the military government of the island, and imbues its legislation and administration with the free spirit of British institutions: —

> This objection to the measure is refuted by experience; for though, during some years, the chief legal offices have been filled by English lawyers, the island was not governed, before the accession of the present Governor, with the requisite regard to the reasonable wishes of the people.

Now, I wish to know upon what grounds the commissioners made that statement? Did they inquire into the subject before they made the Report? I have been a colleague of my Noble Friend; and though I am not called upon to defend other Governments, yet I am bound to defend myself; and I must say, I should like to know what my Noble Friend ever found in my administration of the affairs of Malta, which showed that I did not pay every requisite attention to the wishes of the people of the island. I protest against the statement as coming from these commissioners; — I protest against it as coming from my Noble Friend, who must have had proper knowledge of the real state of the case; — but, most of all, I protest against it as coming from the Noble and Learned Lord on the woolsack. For what could my Noble and Learned Friend know about it? It is impossible that he should have investigated the matter. I must say, therefore, that I am surprised and sorry that my Noble and Learned Friend should have sanctioned such a statement; and I defy him to prove it. The Report goes on, in all its own singular complacency, to contrast the results of the mode of administering the government of Malta which has been pursued under former governors, with the contrary effects which would have followed, had what they, themselves, now suggested, been adopted formerly; and among other things in which they contrast themselves with other persons, is mentioned that celebrated law of libel which my Noble Friend was so good as to introduce into the island. Now, I have looked into that law; and I do believe, that if I had my Noble Friend and my Noble and Learned Friend and the two commissioners in the Island of Malta, — if I were only half as acute as a pettifogging Maltese attorney, — I could convict them all of a libel under their own law, and shut them up in prison for six months.

LORD BROUGHAM. — For twelve months.

The EARL of RIPON. — I thought six months.

LORD BROUGHAM. — Where there is no defence, the punishment is six months; but if there be a defence, it is twelve months.

The EARL of RIPON. — I am afraid, then, that my Noble Friend (Lord Glenelg) and the Noble and Learned Lord would not escape with less than twelve months. At all events, it is quite clear that this loose way of effecting general changes, resting only upon vague statements from a couple of commissioners, is not the way in which public business ought to be done. But the commissioners recommend the abolition of the chief justiceship on the ground that the office is useless, — that it is very exorbitantly paid, while there is but little to do; — and they go further, and actually lay it down as a principle, that it is a sort of robbery of the Maltese bar, that one English judge should be allowed on the bench. This proposition I hold it to be quite impossible to maintain. But I would not have the bench exclusively filled by English judges: nor is it so, in fact; there always are several Maltese judges. It is true that, by excluding English judges, you may succeed in confining the Governor to make his selection of each judge from the small Maltese bar; but it is obvious that, limited as the business of such an island must be, its bar must be too confined a body to select judges from, at all times. They will become committed to and engaged in the petty party politics of the place; and there may be

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imagined many circumstances and situations of affairs in which, with such a taint upon him, a judge so chosen would be most unfit to administer justice. It is, therefore, an erroneous assumption, to say that no judge should be chosen, except from out of the Maltese bar. In another point of view, this will appear clearly. From the moment that Malta was first assigned to us by the peace of Paris, down to the present time, the whole efforts of this Government have been directed to improve the law of the place, — that law, which was, then, by far the most barbarous that I am acquainted with, — and to infuse into it the just principles of British jurisprudence. Incorporated, therefore, as the existing law of Malta is with our sytem, how can the commissioners expect that we shall be able to administer it, satisfactorily, without having an English lawyer on the bench? There are many others besides Maltese who frequent or inhabit the island, and come under the jurisdiction of the courts. There are crews of British vessels, — there are traders and merchants, and visitors for pleasure, and great numbers of English of all descriptions; — and I am convinced that the adoption of this principle of doing without an English judge will be found to be odious and impracticable, — and it appears to me extrordinary that any one should think otherwise. But, whatever may be the value of my opinion, there was one to whom this alteration did not occur, and I think that his opinion is worthy of every attention, — I mean the late judge, Sir John Richardson. He was a man of high honour and unimpeachable integrity; and it having happened to him to take a voyage to Malta for the benefit of his health, the Government asked him to take up the subject of the state of the law there. He did this for the space of two years, and made several valuable reports, — all of which showed that he had well considered the object of the introduction of the English law, and of ameliorating the Maltese law; but it never occurred to Sir John Richardson to suggest that there should be no English judge. The commissioners have done this; but I think Sir J. Richardson decidedly the better authority.

[Cries of "Hear, hear!"]

But it seems the chief justiceship is held by these gentlemen to be useless. I wonder on whose evidence this was assumed? I am curious to know who was the wise man in Malta who gave the hint to the commissioners? They did not, I suppose, ask the opinion of Sir John Stoddart himself. Such an alteration ought not, however, to have been made, without calling upon that individual to state what he could on his own behalf. Was there nothing in the fact of his having been Chief Justice twelve years and a half, that made it likely he would be well qualified to give evidence on the state of the administration of justice? Nobody doubted his honour, nobody doubted his integrity; and therefore I should have thought it proper that the commissioners should have consulted him. But there was another who took much interest, in 1830, in conjunction with the authorities of Malta, in introducing ameliorations into the civil code; and the terms in which this person (the Secretary of State) conveyed his sense of the merits of Sir J. Stoddart are highly laudatory of the clearness and ability with which the subject of legal reform had been brought before him by Sir J. Stoddart. This was the opinion which he formed, as Secretary of State, of Sir J. Stoddart's merits. If it was well deserved, then I say that Sir J. Stoddart ought to have been consulted, — for in that case he possessed, above all men, the very qualifications which would have enabled him to render valuable assistance. But his advice they never condescended to ask; and whoever reads that Report will be struck with the cold harsh manner in which the commissioners speak of Sir J. Stoddart, as an *incubus* upon the exhausted revenues of Malta, as a usurper of the rights of the Maltese bar, and as one who ought not to be allowed to retain his situation. That is not the way in which public servants ought to be treated, if you wish the public service to be well done. On the 10th of November, 1838, my Noble Friend said that he was anxious that Sir J. Stoddart should be informed that, from the 31st of December following, his office of Chief Justice should cease and determine; and such was the first intimation he received of his removal. Yes; the first intimation he had was to the effect that, in six weeks from that time, he was to pack up his goods and be off, bag and baggage, as though he were a person from whom the Maltese ought to thank God they were to be relieved. I think this was very sharp practice. My Noble Friend opposite seems to have been petrified by the coldness of the commissioners; for all the explanation that he deigned to make to Sir J. Stoddart was in a dry notice, that the decision of the Government to abolish the office of chief justice after the 1st of January, 1839, had been arrived at solely on considerations of

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general policy. This was all that my Noble Friend opposite thought it necessary to say to the gentleman who was thus harshly and unexpectedly deprived of his office: this was all the attempt that was made to soothe his wounded feelings under so heavy a blow. Perhaps my Noble Friend is not acquainted with those lines of Spenser:—

Ah! little know'st thou, that hast not been tried,
What hell it is in sighing long to bide,
To pass long days that might be better spent,
To waste long nights in hopeless discontent;
To speed to-day, to be put back to-morrow,
To feed on hope, to pine in fear and sorrow;
To fret thy soul with crosses and with cares,
To eat thy heart with comfortless despairs;
To fawn, to crouch, to wait, to ride, to run,
To ask, to give, to want, to be undone!

I will now call your Lordships' attention to the abolition of an office which I, myself, created,—that of Attorney General. I incurred some blame for calling this office into existence. The commissioners assert that it was a sinecure; but that I confidently deny. I deny it upon the authority of the Attorney General himself; and I say that they were bound to listen to that authority; whereas the commissioners never asked him a single *vivâ voce* question with respect to his office. They did not even think of consulting the Governor, the Chief Justice, or any other of the great functionaries of the colony. In August, 1837, the gentleman who filled the office of Attorney General having suffered materially in his health from the climate, obtained leave of absence, and came to England. About the end of January, 1838, he reported himself as sufficiently recovered to be able to return to the discharge of his duties. My Noble Friend opposite, however, desired this gentleman not to go back, because it was probable that the commissioners would recommend the extinction of his office. But this command to remain in England bore very hard upon the Attorney General for another reason,—that during the time of his stay here, he would receive only half of his salary,—400*l.*, instead of 800*l.* At last, permission was given to this gentleman to go back, and he sailed in the month of April; the vessel which carried him to Malta leaving Portsmouth about the same day on which the vessel sailed from Malta that conveyed to my Noble Friend the recommendation to abolish the office in question. The first news that greeted the Attorney General on his arrival in Malta was, that the commissioners had written home to recommend the extinction of his office; and there he was left, wounded in his personal feelings, injured in his character, and with his professional prospects blasted. I know that there is not a respectable man in the island, who, if called to your Lordships' bar, would not say that this was really the case. I was induced to create this office upon the representations of Sir F. Ponsonby, who stated that he was constantly placed in the most difficult situations from the want of an English legal adviser, and declared, that if such an officer were not sent out, it would be impossible for him to administer the affairs of the colony in a satisfactory way. It would have been unseemly that the Lord Chief Justice should have discharged the duty of giving legal advice upon points which might afterwards come before him in his judicial capacity; and I therefore thought it necessary to appoint an Attorney General. Had this office been a sinecure, I might have bestowed it upon some one person out of many who would have been exceedingly obliged to me,—and no blame for so doing could have been imputed to me; but, knowing the importance of the office, I, instead of gratifying any personal wishes of my own, applied to my Noble and Learned Friend opposite, who then held the great seal, and begged him to recommend me a man well qualified to fill it. That is a pretty good proof that I did not think the office a sinecure; and the person recommended by my Noble Friend was one whom I did not know, and had never seen. Nobody has ever said that this gentleman was incompetent to do the duties of the office, or that he did not discharge them faithfully; but he was condemned without a hearing, on the bare assertion of the commissioners that the office he filled was a sinecure. On returning to Malta, and learning that they had recommended its abolition, this gentleman was kept, as it were, in a state of suspended animation for some months, uncertain what the decision of the Government at home would be. At last he came to England, in August, to learn what that decision was. Ministers had not yet made up their minds; but at length, on the 17th of October, he received a communication from the Secretary of State's Office, containing the warrant for his execution, as it might be termed, which was to be carried into effect on the 31st of the month. The grounds of the decision were never communicated to that gentleman, and he could not, therefore, enter on any defence at the Treasury. At last, Ministers took his case into consideration, and acquainted him that, on reviewing the nature of the office, and the other circumstances of the case, they had come to a resolution of granting him 300*l.* So here was a man who had abandoned his professional prospects, in this country, to accept an office which he

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ad held for seven years, without a suspi-ion that he was to be cashiered,—who was eemed to be sufficiently rewarded for loss f reputation, and injury to his feelings,— or he has suffered all these wrongs, — by sum of 300*l.* It is difficult, even, to dis-over from the letter, that the sum is to be 100*l.*; and I would really recommend the Lords of the Treasury, if they wish their neaning to be clearly known, in any fu-ure case of this kind that may occur, to write English.

I must now say a few words on the case of the island collector. I appointed a gen-tleman to that office in 1832. I knew that it was not an office that would re-quire great labour; but I knew that it would require good sense, honour, in-tegrity, firmness, and resolution, — and all those qualities the gentleman whom I appointed possessed. The commissioners, who seem to have taken as their rule of guidance a crotchetty notion that no En-glishman ought ever to be employed in the colony, recommended his removal; and accordingly this gentleman, whose name is Cumberland, was removed. Poor man! he had not much fortune to boast of. The loss of his office — for which he was not prepared by any previous timely intimation of the intention to remove him — went far to deprive him of the means of subsistence; but he was in some degree consoled by being told that he would have an excellent retired allowance. What, then, was his consternation, when he learned that the decision of the Treasury was, that he should be paid, — in full, — the paltry sum of 250*l.* — which was to be considered a superannuation allowance! That sum was expended in removing his family of five or six children to England; and this gentleman is now reduced to de-pend for subsistence on the assistance of his personal friends. This gentleman felt his case to be so hard, that he represented it to the Secretary of State; and from the manner in which he was received, he was induced to hope that that Noble Lord would interest himself in it, and procure him some permanent allowance. Months elapsed without anything being done, until, in November last, Mr. Cum-berland was told that the papers relating to his case were lost, at the Treasury! December and January passed; and at last, in February, my Noble Friend op-posite was, himself, cashiered, and, I be-lieve, also, without being examined.

Several NOBLE LORDS. — Hear, hear!

The EARL of RIPON. — Some dirty anonymous scribbler has insinuated that I have a personal motive in bringing this case forward; — I have no personal motive, my Lords, beyond an honest desire to see jus-tice done; — at the same time, I will not conceal from your Lordships that Mr. Cumberland is a connection of mine. I recommended that gentleman to make an application to the Chancellor of the Ex-chequer, and Mr. Cumberland accord-ingly addressed a letter to that Right Ho-nourable Gentleman, which I will take the liberty of reading to your Lordships: —

I entreat your personal consideration of my unhappy case, which has been before the Trea-sury for many months, whither it had been transmitted by the late Secretary of State for the Colonies, Lord Glenelg. I held a responsible situation under the Government at Malta, to which I was appointed by Lord Ripon in 1833; and having for then five years discharged the duties of the office, was deprived of it last year upon the recommendation of the Maltese Com-missioners, not upon ground affecting my cha-racter and conduct, but in order to give im-mediate effect to the general principle laid down by the commissioners, of employing native Maltese, and not Englishmen, in offices such as that which had been intrusted to me. The commis-sioners, however, accompanied their suggestion of my removal, by recommending that I should have an adequate superannuation. All, how-ever, that has been granted to me was a sum of 250*l.*, once for all, — the whole of which was ab-sorbed in the inevitable and ruinous expense of moving myself and family to England. I am now left with a wife and six young children utterly destitute, with all the horrors of poverty staring me in the face: I am, in fact, supported (and as a gentleman you will understand the pain I feel in avowing it) by the bounty of con-nections; but that is a resource which cannot last, and upon which I have no right to rely. I ap-peal, therefore, to your humanity, as well as justice; and if you will be kind enough to look into the circumstances of the case yourself, — and, above all, if you would permit me to give you any personal explanation upon the subject, — I am confident that you will feel that my case is one of hardship, if not of cruelty, as singular as it is undeserved. I feel that I have very imper-fectly stated my case; but I could not say more without intruding too long upon your time. At all events, I implore you to obtain for me some decision, — even if it be adverse.

Such is the affecting language in which this gentleman states his case. I may inform your Lordships that Mr. Cum-berland is the grandson of the gentleman of that name distinguished in the literary world, but whose labours did not enable him to leave his children independent. Mr. Cumberland entered the army at an very early age, and he had, for a short time, the honour of being aide-de-camp to the Illustrious Duke near me. Mr. Cumberland had the honour of standing by that great man's side at the assault of Badajoz, — one of the most splendid achievements which crowned his im-mortal career. Although compelled, by ill health, to quit that arduous situation,

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he returned to his regimental duties at the very earliest moment his health permitted. At the siege of Bayonne he had an opportunity of distinguishing himself — not, certainly, in a way to be very conspicuously noticed; but he behaved most gallantly when in command of a picquet of guards who opposed the first resistance to a *sortie* made from Bayonne, at a time when a detachment of British troops under General Stopford was exposed to great danger in consequence of a failure to carry a bridge. Such has been the conduct of this gentleman, who is reduced to poverty by the recommendation of the commissioners. Another misfortune has also fallen upon him, which is not unfrequently contingent on such circumstances, — he has had born to him, nearly as fast as possible, six children. Well; Mr. Cumberland returned to England — he sought to obtain from the Chancellor of the Exchequer a personal interview. That interview was not, however, afforded to him. The Chancellor of the Exchequer was unwilling to be hampered with the case; nay, more, something or other occurred, which prevented him from even sending an answer to Mr. Cumberland's application. He did, however, something for Mr. Cumberland; for, after the lapse of some time, the Treasury thought that the case was a hard one, and gave Mr. Cumberland, as a superannuation, 100*l*. They admitted that the sum of 250*l*. was useless as a superannuation, — it having been absorbed in the expense of bringing his family home; so that, for these five years of public service, having been dismissed not for any misconduct, — not at his own request, — not upon any charge preferred against him, — he has the comfort of endeavouring to live, or rather to starve, upon the interest of 100*l*. This is melancholy treatment for any gentleman to experience; and such treatment as Mr. Cumberland, after his services, ought not to have been exposed to. It would have been only fair to Mr. Cumberland that the Secretary of State should have provided for him, before his removal from his office was carried into execution, such a compensation as would have relieved him from the painful situation in which he is now placed. Now, I thought the case of Mr. Cumberland so hard, that I wrote an official letter to the Noble Marquess opposite, the Secretary of State for the Colonies. In that letter I recapitulated to my Noble Friend, as briefly as possible, all the circumstances connected with it. I invited his personal attention to them; and requested him, on public grounds as well as on private ones, to see whether something more could not be done for this unfortunate gentleman; and to consider whether the recommendation of the commissioners could not be more effectually carried into execution on his behalf? I have no reason to find fault with the course pursued by my Noble Friend opposite in this affair. I believe that my Noble Friend has, personally, a friendly feeling towards Mr. Cumberland; but the case was substantially decided before he came into office. I have no doubt that my Noble Friend did make a representation to the Treasury on the subject. That representation, however, was not successful. On the 9th of April last, the Treasury wrote a letter to the Noble Marquess opposite, which was subsequently communicated to me, declining to do anything more for Mr. Cumberland, and using, at the same time, such expressions which I consider as consummating the measure of gross injustice with which that gentleman has been treated.

You will also further observe to his Lordship that Mr. Cumberland's removal from the office in which he had been placed at Malta had been recommended by the Commissioners of Inquiry on the express ground of notorious and admitted inefficiency and incompetency for the performance of the duties of it; and the adoption of that recommendation by Lord Glenelg had, as it appeared to my Lords, evinced his Lordship's assent to the grounds on which it was submitted.

The Lords of the Treasury added, that for these reasons, they could not grant any further extension of the gratuities which had been already assigned to Mr. Cumberland.

LORD BROUGHAM. — Who signed the letter?

The EARL of RIPON. — It is signed by the pro-secretary. Now, at the eleventh hour, to come out with a statement of this kind against a gentleman who had never been charged with inefficiency and incompetency, and who had never been either examined or heard on such a charge, is, in my opinion, an unprecedented act of injustice. The Treasury refused to do justice to Mr. Cumberland upon that statement, which alleged a very different ground from that whereon the commissioners recommended, and on which my Noble Friend (Lord Glenelg) authorised, his removal. If the commissioners should undertake — and I have no reason to believe that they would undertake — to charge Mr. Cumberland with inefficiency and incompetency, I would, on that gentleman's behalf, affirm, unhesitatingly, that there is no foundation whatever for such a charge. With your Lordships' permission, I will read the terms in

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which the commissioners recommended the bolition of Mr. Cumberland's office. I xperienced some difficulty in finding that ecommendation, as it is contained in a leport relating to another office. It is hus expressed, and I will read all that he commissioners wrote respecting it: —

As nearly the fourth part of the public revenues of Malta is derived from the Government lands, it is obviously very important that the office of collector should be efficiently discharged; and it appears to us, that from his necessary ignorance of the language of the country, and of the details of the management of landed property, scarcely any Englishman would be competent to discharge it.

Now, that is clearly no charge against Mr. Cumberland; it is a general reflection levelled against all Englishmen — and a very absurd one too. It would be ridiculous to suppose that my Noble Friend the Chief Commissioner of Woods and Forests would refuse to appoint a gentleman to the situation of collector of the rents of the Crown in Yorkshire, simply because he might be ignorant of the Yorkshire dialect, or, at least, not as well acquainted with the language of its peasantry as I am, who happen to be a Yorkshireman. I verily believe, that when my Noble Friend appointed, a few days ago, a young gentleman to collect the rents of the Crown in Wales, he never inquired whether that gentleman could talk Welch, or whether he was well acquainted with the details of Welch agriculture. And yet, because Mr. Cumberland cannot talk that *barbaro-Arabico-Italico* jargon which is jabbered in Malta, he is to be deemed incompetent for his office! But the Report proceeds: —

We likewise think that the present salary of the collector is higher than is requisite for obtaining the services of a perfectly competent Maltese functionary. We therefore recommend that Mr. Cumberland be immediately superannuated.

Now, I would ask the House to consider whether the commissioners could have recommended that Mr. Cumberland should have a retired allowance and a superannuation, if they had deemed him incompetent to the discharge of the duties of his office? If they had deemed him incompetent, they would have said, "Give Mr. Cumberland nothing." But this they did not say, and therefore their language ought not to be construed as insinuating that he was incompetent. I boldly assert, that if the commissioners were at this moment standing before me, they would tell me that they never intended to cast any reflection upon the competency of the mode in which Mr. Cumberland discharged the duties of his office. I complain, however, of this Treasury letter on another account; — it is a recorded bar against Mr. Cumberland's future employment in any capacity in the public service. If Mr. Cumberland should ask for it, the Noble Marquess opposite would say, and would be entitled to say, "I am sorry for your case. I feel all its hardship; but I cannot fly in the face of the Treasury Report. You have been dismissed once from your situation on account of notorious incompetency. What a clamour will be raised against me in the House of Commons, if I should venture to restore you to it after such a declaration! I am sorry, I repeat, for your case; but I cannot do anything to relieve it." So that not only is Mr. Cumberland placed, by this Treasury letter, in a situation of great distress, but he is also deprived of all chance of obtaining, hereafter, a situation in the public service. I will not detain your Lordships with any further observations on this case. It is enough for me to repeat, that this unfortunate gentleman was removed from his office without being examined or heard in his defence; that no money was lost — that no job was encouraged — that no delay was occasioned by him; — that no circumstance was alleged against him in the discharge of the functions of his office. Even now he does not know who was examined against him. He knows that he was not examined, himself. He knows that the Governor of Malta was not examined; for that officer would have gladly borne his testimony to his zeal and competency. He knows that the chief secretary was not examined; for the chief secretary would also have borne testimony to the same effect. He knows that the Auditor General was not examined; for he, too, would have spoken to his competency. If Mr. Cumberland had been incompetent, that officer, at least, must have known the fact, as being the person best qualified to decide how Mr. Cumberland had discharged the functions of his office. I therefore say that it is impossible to impute anything to Mr. Cumberland which would have justified his removal from office without a superannuation. The upshot of these proceedings is, that he has been calumniated without being heard in reply; that he has been condemned without proof; and that he has been ruined without redress. I am well aware that this is a case, in which the House cannot formally interfere; but, perhaps, as a matter of admonition, what I have said this night may not be deemed unworthy of attention. I hope that it may teach commissioners, in future, to examine well before they report;

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and those who are intrusted with the executive Government to consider that they may not be doing justice in carrying blindly and carelessly into execution the recommendations of their commissioners, and in confirming the injustice to individuals which their recommendations may be calculated to inflict. The motion with which I beg to conclude, is for the production of the evidence taken in the cases of the Chief Justice, the Attorney General, and the Collector of Inland Revenues in the Island of Malta: Also,

Copy of any Report of the Commissioners upon the case of the Collector of Inland Revenues, subsequent to the Report of January (or February), 1838: Also,

Copy of a letter from the Treasury to the Colonial Office, of the 9th of April, 1839, respecting Mr. Cumberland's case: And, also,

Memorial of the Attorney General to the Treasury, dated the 10th of December, 1838.

LORD GLENELG.—I am anxious to offer a few considerations to your Lordships on the speech of my Noble Friend. In that speech, my Noble Friend has passed animadversions on the conduct of the Government—on the conduct of the Maltese commissioners—on the conduct of the Colonial Office—on the conduct of the Treasury. Entering, as I do, into the feelings of my Noble Friend, on certain parts of the subject, I am not surprised at the warmth with which my Noble Friend has expressed himself in reference to some of his topics. But, in the very outset, I beg leave to enter my protest against one species of doctrine which my Noble Friend has adopted, because I think that it is inconsistent with what are usually termed constitutional principles, and with the ordinary experience of official life. I am alluding to my Noble Friend's assumption that, when an office is abolished, such abolition amounts to a cashiering of the officer,—fixing upon him a rebuke and a reproach, and levying on him a penalty as for some criminal conduct, or at least for misconduct. I am well aware that my Noble Friend has not made that assertion in so many express words; but throughout his speech he has spoken of these officers as being "cashiered," and has taken it for granted that, because they have been dismissed, they have been condemned in the eyes of the whole country. Now, that, I maintain, is an untenable proposition; and I appeal to my Noble Friend, whether he ever admitted it whilst he, himself, was in possession of office? I allude more particularly to the report made by the commission issued by my Noble Friend to inquire into the revenue offices in Ireland, and to the offices which my Noble Friend abolished in consequence of that Report.

The EARL of RIPON.—The holders of all the offices then abolished were examined.

LORD GLENELG.—That is a different question, to which, hereafter, I shall have occasion to advert. Certain offices, in consequence of the Report of that commission, were abolished in Ireland, and the holders of them lost their places; but it never was acknowledged as a principle, that a stigma was thereby affixed upon their characters. But I must state further, that there were two questions blended together in my Noble Friend's speech, which ought always to be kept separate;—the first was the abolition of the office; and the next, the compensation granted to the loser of it. I have always maintained that, where, for a public purpose, a man is deprived of an office, it is the duty of Government, on every account, to be liberal in their compensation to such a person. That is a principle which, I contend, rests not less on grounds of public economy, than on grounds of private justice and humanity. The abolition of an office is not intended as a punishment for past abuses, but as a step to prospective improvement. Now, with respect to Mr. Cumberland. I feel for this gentleman's case. I did, I believe, induce the Treasury to reconsider his claim. My Noble Friend has alleged that a great deal of time was wasted in the consideration of his (Mr. Cumberland's) claim, owing to the loss of his papers. That was owing to the extreme illness of the Under Secretary, which incapacitated him, for some time, for the discharge of business. However, I induced the Treasury to reconsider Mr. Cumberland's claim. The last decision upon it was come to, since my relinquishment of office. I regret that the Treasury were not more liberal in the compensation which they awarded; and I have the less reluctance to make that avowal in my place in Parliament, because I have made it already when in office. My Noble Friend has also rebuked me, because I did not say to the Treasury, "Unless you agree to the compensation which I think fit for Mr. Cumberland, I will postpone the abolition of his office." Now, if my Noble Friend had never been in office, I should have felt some surprise at hearing him use such language; but my surprise is almost beyond expression, when I hear such lan-

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age proceed from him, after his long official experience. In all such cases, the first estion to be considered is, "Ought the ice to be abolished on public grounds?" iat is a very simple question. Assuming at it ought to be abolished on public ounds, what claim can I, or any man in y place, put in to the Treasury in this rm:—"I will not abolish it, unless you eet me on my own terms on the question compensation?" With all deference to y Noble Friend, I must say that that is preposterous proposition, which cannot ear consideration for a single moment, id on which no public man has ever yet ted in this country. With respect to Ir. Cumberland, it is a painful task to iter into a consideration of his claims, any one who regrets, as I do, his preent situation. But that has now become necessary task, as my Noble Friend has sserted that he (Mr. Cumberland) was emoved without any previous communicaon, and without being called upon to dend his conduct. The case of Mr. Cumerland was this:—His situation was that f collector of the land revenues in the sland of Malta, which amount to 30,000*l.* -year, or very near it. Those revenues re collected from a multitude of small teants, scattered throughout the country. t is essential to the proper discharge of he duties of the office, that the officer who oes among them for that purpose should e acquainted with the language spoken y the Maltese. It is further essential hat he should know something of the abits and manners of that people. Moreover, it is also essential that he should now something of the tenure of land in hat island, and of the mode in which it is enerally let. Would any of your Lordships, I would ask, who have large property in Ireland, think of sending to that country,—to collect the rents due from a scattered tenantry,—a foreigner, unacquainted with their language, their tenures, and their mode of letting and cultivating land? I am sure that your Lordships would not. Well, Mr. Cumberland accepted this office, and went to Malta. He found the duties of it executed there by a gentleman who was his deputy, who did understand the language, the habits, and the laws of the people, and who was, practically, the collector. This office, then,—one of 700*l.* a-year,—was performed by deputy. It was generally known that the office was executed by the deputy. In the Colonial Office there is a letter addressed by the commissioners to me, in which they state that they have communicated to Mr. Cumberland their intention to recommend the abolition of his office, and that the manner in which he received the proposition seemed to them to furnish a claim for additional compensation.

The EARL of RIPON.—They promised him ample compensation.

LORD GLENELG.—There can, at all events, be no doubt of the fact that Mr. Cumberland was perfectly cognizant of the intention to abolish his office. The statement of the commissioners is decisive upon that point; and Mr. Cumberland presented no remonstrance on the subject. It has been alleged by my Noble Friend, that the only reason why the commissioners recommended the abolition of this office was, that Mr. Cumberland was an Englishman. This was not so. The fact was, the office was a sinecure—the person holding it not being able to fulfil its duties, which were actually performed by deputy: and that was the reason, and I conceive it was a sufficient reason, for abolishing the office. With respect to the Chief Justice and the Attorney General, it is not only enough to justify the abolition of an office that it is pronounced to be a sinecure, and absolutely useless,—it is sufficient to justify its abolition or consolidation, if the duties can be performed as efficiently and more economically. The question of compensation rested mainly and entirely with the Treasury; it was considered after his retirement from office. Certainly, my intention was, that both those officers should be recalled into the service of the Crown as soon as circumstances might permit; and the Attorney General has been offered a situation of equal emolument, though not in so favourable a climate; and I believe it is also in contemplation to give some situation to the Chief Justice. The commissioners maintained that the duty performed by seven judges, including the Chief Justice, in Malta, could be discharged by six judges; and they recommended that a change should take place, the effect of which would be to relieve the revenue of Malta of a large salary of 1600*l.* received by the Chief Justice,—an income entirely disproportionate to the salaries of the Maltese judges, who receive only between 400*l.* and 500*l.* a-year. They recommended that the Chief Justice should be removed, because the other six judges, with very inferior salaries, could satisfactorily perform the whole of the duty. This arrangement, which was adopted on the recommendation of the commissioners, has now been in operation nearly six months;—the Chief Justice having been removed, and the Attorney

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General having also been deprived of his office. It is no longer, therefore, matter of conjecture, speculation, or argument, what would be the effect of the abolition of those offices. We can already appeal to the result, which has been perfectly satisfactory, and exactly what the commissioners anticipated. Among the papers which have been laid on your Lordships' table, to-day, is a letter from the Governor of Malta, dated the 7th of May, in which he states that the new system is working remarkably well; that the business never was conducted in a more efficient manner; and that, altogether, the change is most satisfactory. There are no complaints of this change from the people of Malta; the only complaint is from those who have lost their offices, who are, naturally enough, anxious to make out as strong a claim for compensation as they can. I am not called on to prove that the commissioners are correct in the conclusions or anticipations they have formed; the result has justified them: I have, therefore, the strong ground of experience on which to rest; and there I am satisfied to leave the question. My Noble Friend has referred to a despatch of mine, addressed to the commissioners, in a manner which seems to indicate that I ought to be held responsible for the whole of their Report. So far from exercising any influence on the commissioners with respect to their opinions, I merely said I was prepared to carry into effect their main recommendation as to the abolition of the offices; but that it was impossible to accede to some of the minor details, which I conceived it would be possible to arrange in a more satisfactory manner. Feeling perfectly exempt from the possibility of any reflection attaching to me on the subject, I certainly do not consider myself at all affected by the observations of my Noble Friend. But I protest strongly against the grave conclusion which my Noble Friend has drawn, that I am responsible for the Report. The commissioners, alone, are responsible for its words, as well as its matter. I have also been charged with having used the term "misgovernment," as applied to the Island of Malta.

The EARL of RIPON. — Not by me.

LORD GLENELG. — No; but by others. I did not mean to apply that word to the Government at home. Whatever may be my opinion as to the course which affairs have taken in Malta, I admit that the wishes of the people of the island did not assume such a shape as to call for much attention from this country till about 1830. Still there were circumstances in the condition of Malta, the continuance of which, up to that period, I can by no means consider creditable to those by whom it could have been prevented. I feel that this is not immediately connected with the subject under consideration; but, as my opinions were alluded to on a former occasion, I deem it, so far, necessary to put myself right with your Lordships; and I am ready, at any time, to recur to the matter. Reverting to the question before the House, the Attorney General, in point of fact, has not been in Malta for nearly two years. He left in August, 1837, and no inconvenience has followed from his absence; — that proves that his presence is not absolutely necessary. When that officer was in England, I thought it right to inform him that the commissioners intended to recommend the abolition of his office; and his impression was, that, unless English law were to be transferred to Malta, the office of Attorney General might be dispensed with. It was perfectly competent for him to present a remonstrance against the change; but he took no such step. The Attorney General returned to Malta, and received from the Governor his full salary, although his office had been recommended to be abolished. He afterwards came to this country, his office was abolished, and he claimed compensation. I confess I do not concur in the principle, which is now laid down, for the first time, that when an office is to be abolished, the person holding it ought, himself, first to be consulted as to its extinction. The Irish Revenue Commission, to which I have already alluded, and which recommended very general abolition of offices in the various departments of Stamps, Customs, and Excise, examined the different officers as to the nature and extent of their duties; but never as to the propriety of abolishing their offices. So much to the contrary, that they, for the first time, heard of its being intended to abolish their offices when that course had actually been determined on. Although the Chief Justice of Malta was informed that there was an intention to abolish his office, and though there did not exist any objection to hear what reasons he could urge against that measure, yet the examination of the Chief Justice was limited to the nature and extent of his duties, and did not at all go to the question of the abolition of his office. An occasion certainly did arise, which led to a variety of questions being put to the Chief Justice, and as much information was elicited from him as if the examination had taken place at a later period.

There is another case to which I wish to call the attention of the House; and

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hat is, the removal of Judge Burton from he Cape, when his office was abolished; and I beg it to be observed, that there was this difference between the positions in which the Chief Justice of Malta and the Judge at the Cape were placed, — the one (Sir John Stoddart) held his office during pleasure, and Judge Burton was appointed, by patent, during good behaviour. It is true that, even though the former held only during pleasure, the idea of his dismissal otherwise than for misconduct never, for a moment, was entertained. It being considered by the Government that three judges at the Cape would do the business quite as well as four, the office held by Judge Burton was abolished, and arrangements were made for appointing him to a seat on the bench in Australia. I believe that it is intended to make an offer of the same kind to Sir John Stoddart. But it is quite certain that Judge Burton's office was abolished without consulting him, and his removal was a matter against which he strenuously remonstrated. My Noble Friend has dwelt at some length upon the importance of introducing into Malta a system of law founded as much as possible upon English law. It will be in the recollection of the House, that Sir Thomas Maitland made arrangements for that purpose, and courts were established in Malta which proceeded upon maxims and principles of English jurisprudence.

It was shown by Sir John Stoddart, or at least strenuously contended by him, that for the effectual carrying out of this design, the presence of an English lawyer was of the very highest importance. He stated, and with perfect justice, that Sir Thomas Maitland had done much to elevate the character of the judges in Malta. They had been previously remunerated principally by fees, and they held their situations during pleasure: he abolished fees, and he established the independence of the judges: thus were their venalty and consequent degradation put an end to. In addition to this, Sir Thomas Maitland appointed a President of the Council; but then he was a Maltese lawyer. The further reforms effected were the abolition of torture, of sanctuaries, an order for the *vivâ voce* examination of witnesses, the establishment of savings banks, — the independence of the judges I have already mentioned, — and to these reforms I have only to add the abolition of the personal immunities enjoyed by the priests. But all these changes might have been accomplished without the aid of any very profound lawyer. Any educated gentleman knew enough of the principles of British jurisprudence to understand the value of such reforms, and it required no practical acquaintance with the law to work them out. After all, however, the great question is,—By what law should Malta be governed? My Noble Friend must agree with me,— as, doubtless, the House generally will agree, — that the great principles upon which justice is administered in this country, should be made to enter as much as possible into the whole fabric of Maltese law; but Sir John Stoddart contended that the English law itself, in its present state, should forthwith be made the basis of a new code for the government of the Maltese. My Noble Friend would, surely, not approve of that? My Noble Friend will agree with me, that, however advantageous it might prove for generations yet unborn, yet for the present race such a design must be regarded as perfectly hopeless. The code of France, now adopted by many nations of the Continent, was resorted to for Malta, and the project of Sir John Stoddart was rejected; the trial by jury was introduced; a law for that purpose was prepared by Sir John Stoddart, which it became necessary to follow up with half a dozen others to explain and amend it. A commission was then appointed, on which there were two Italian lawyers, together with Sir John Stoddart,—and the disputes between them were extended to a most extraordinary length. The first of these disputes arose out of the question mooted, — as to the language in which the code was to be drawn up? The consequence of all this was, that another commission was appointed, composed exclusively of Maltese lawyers: but, on the whole, I am enabled to say, that the general result has been highly satisfactory; and I feel a full confidence that the administration of justice may proceed in Malta in a manner very advantageous to the population of that island, without the expense of keeping two English lawyers there at great salaries. I think I am also entitled to add, that the legal appointments fully justify themselves.

The LORD CHANCELLOR. — I feel bound to trouble your Lordships with a few observations before this matter is disposed of. A charge has been brought against me, as I understand, of having been a party to, if not the author of, some censure against my Noble Friend's (the Earl of Ripon's) colonial administration. I can assure my Noble Friend, that as to all the acts of my life, there is no charge of which I am so entirely innocent. It rests

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entirely upon some communications which I had with the Maltese commissioners when they came over here. I will call my Noble Friend's attention to the circumstances that occurred; and it will be seen that never was there such a jumping at a conclusion as in the charge now brought against me. The result of much consideration convinced me that all the recommendations of the commissioners could not be acted upon without serious inconvenience. Various conferences took place between the commissioners and myself; and, having discussed the difficulties that suggested themselves in the matter, permission was requested to withdraw the original Report, with a view to make such amendments as, upon reconsideration, should appear desirable. That original Report my Noble Friend has never seen, and the renewed Report I have not yet seen. I was directed to take the Report of the commissioners into consideration, and I did so; some parts of it I approved of—other parts I did not approve of. This was all I had to do with the matter; and this is the only ground upon which I can be supposed to be the author of anything that may seem to reflect upon the colonial administration of my Noble Friend. With respect to the abolition of the offices of Chief Justice and Attorney General, I beg to say, that I do not shrink from any part of the responsibility which attaches to advising that step. I am decidedly of opinion that those offices should not be continued. Now, let your Lordships see what are the services which have been rendered. On looking over the Report, I find it stated what is the nature of those offices—what are the services rendered—and what the remuneration which the parties, who have filled these offices, have received. The Chief Justice holds five judicial offices of very high sounding titles. He is "President of the Board of Appeal," "Senior Member of the Supreme Court," "First Commissioner of the Court of Special Commissioners," "Judge of the Vice Admiralty Court," and "Member of the Court of Piracy." The Court of Special Commissioners is the only criminal jurisdiction, and in that the average number of indictments per annum is four; as Judge of the Vice Admiralty Court, he had no cases to try for six years; as a Member of the Court of Piracy, he had no cases for five years;—so that, with the exception of a few indictments, the business of the last three out of the five judicial situations amounts to nothing. The other two are not exactly of that character. As President of the Court of Appeal, and Senior Member of the Supreme Court, it appears that, in the course of one year, the Chief Justice sat 115 times—not days, because such sittings were only three hours each, which, according to the usual estimate of labour, is only half a day. The result is, that those two offices together, which comprehend the whole of the the duties of the Chief Justice of Malta, require but 57½ days of judicial labour. It cannot be said, certainly, that that amount constitutes a sinecure; but when we found that learned judge receiving, for that amount of labour, 1600*l.* a-year, whilst the best paid native judges received but 400*l.*, it was felt that the inhabitants of Malta ought not to be called upon to pay so large a sum without some equivalent and adequate advantage. The Attorney General had, also, 800*l.* a-year,—a large salary, considering the duties he had to perform. They were of three classes; namely, to assist the Governor and council in making ordinances and framing proclamations; to advise the Government of Malta upon any questions of law that might arise; and, as Attorney General, to represent the Government of Malta in all proceedings in the courts in which it was necessary for the Government to appear. Well; the number of law ordinances, proclamations, and everything else which came under the eye of the Attorney General, including things which were quite matters of course, was twenty-four in six years. The two other classes of duties he could not perform;—he could not advise upon matters of law, being ignorant of the law; and he could not appear as the advocate of the Government in cases in which they were concerned, as those cases were conducted in a language which he did not speak. I say nothing against the individuals. It is not upon that ground that I have formed the opinion which I have expressed upon the subject of these offices. The Report also states that the Attorney General was absent from the island for eight months. So, well he might be, for he would have had nothing to do had he been there all the time. His office, then, was an absolute sinecure; the Chief Justice had very little to do in his; and why should the people of Malta be called upon to pay 2400*l.* for what is now more efficiently done for 1000*l.* less? I merely rose for the purpose of exculpating myself from the charge of having censured the Colonial Office; and having, as I hope, done that effectually, I will merely observe, in conclusion, that in my opinion the abolition of the offices could not have been avoided.

LORD BROUGHAM.—I cannot see how, as declared by my Noble Friend

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Lord Glenelg), the Treasury letter containing Mr. Cumberland's dismissal can be said to cast no personal censure upon that gentleman, when it distinctly states that the cause of his dismissal was his gross inefficiency and notorious incompetency to discharge the duties of his office. Can there be a more cruel censure upon any man? If the Government are bound to abolish offices on public grounds, they are likewise bound to make compensation. I, as the Noble Duke opposite well knows, acted upon that principle in 1832 and 1833, — taking care at the same time not to abolish offices without having first examined into the nature of the duties to be performed. I said that I would not do individual injustice, that economy might come of it, — because I hold that course to be the worst possible kind of economy, and ruinous to the cause of economy itself. Now, I not only think, in this case, that the individuals have not been well used, but that the commissioners have not been well used; for they did no such thing as simply to recommend the Government to abolish places; they recommended them to abolish certain places, — giving compensation to, or superannuating, the holders of those places. The case of Mr. Cumberland is one of the most grievous I ever knew. It is a Treasury defamation upon the grossest misstatement of facts, — a false, defamatory libel upon that gallant and unfortunate gentleman, — and if it had been said or printed by any private individual, it would have rendered that individual liable to an action for slander. Cases of compensation, I am well aware, are very painful to the Treasury, who have at the same time to protect the individual and the public revenue. But I really think that they sometimes contrive to neglect both those duties together, — to be cruel and harsh to the individual, and not to further the best interests of the country or of the revenue itself by so doing; and I will give an instance of it. Several offices, fourteen or fifteen in number, some of them with emoluments amounting to 9000*l.* and to 10,000*l.*, were abolished by me in 1832. One of those offices, that of Clerk of the Crown, — the particular one to which I allude, — was held by Lord Bathurst, at a salary of 2500*l.* It was an absolute sinecure. The duties were performed by a deputy, a member of the bar, at a salary of 700*l.* a-year. All the labour and responsibility of the situation, which were very considerable, fell upon him. Well; when the sinecure was abolished, one might have supposed that some addition would have been made to his salary of 700*l.*, — that it would have been made at least 800*l.* No such thing. On the contrary, it was reduced to 500*l.*: the consequence of which was, that everybody said to me, "In future I think you will be more cautious how you abolish offices, since you see how the Treasury metes out compensation; henceforth your first care will be to ascertain what will be the nature and amount of the compensation."

So much for the personal part of the subject. Now, with regard to the offices themselves. The charge of my Noble Friend is not that the commissioners reported that these offices ought to be abolished, but that they did not inquire and inform themselves upon what they knew nothing about, — namely, the nature of the offices, the nature and amount of the duties to be performed, and the sort of persons best fitted to perform those duties. I was astonished to hear my Noble Friend behind me state that that is not usually done. I have never known offices recommended to be abolished, where the holders of those offices had not been, as a matter of course, previously examined, until the present instance. The Chief Justice was not examined as to the amount of labour, the number of days he sat, or the nature of the duties he had to perform. The injustice of that non-examination is evident. The Noble and Learned Lord has said, for instance, that, according to the commissioners' Report, the Chief Justice sat only 115 days in the year; whereas, had they made the usual examination, they would have found that that number of sittings occurred in 1837, a year when the cholera was prevalent; and that in any other year the number would have amounted to 188. Now, I have been looking at a very drastic measure — the Report of a committee of the other House, of which the late Mr. Bankes was chairman, for abolishing sinecures; and in that instance, every man holding any place under Government, from the highest to the lowest, was examined. But, however the case, here, may be as to the Chief Justice, there certainly is no pretence of having examined the Attorney General of Malta, for the first that that learned gentleman heard of the abolition of his office was when he was over here. Then, as to the complaint of the number of days on which the Chief Justice sat. Why, in Scotland the judges sit for only five months and a half in each year, and only five days a-week, — of course not working on Sunday, and keeping Monday holy also, as is done by many men who labour much harder than they:

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and this does not amount to 115 days in the year, three hours a-day, — the time the Chief Justice sat at Malta. The Judge, too, of the High Court of Admiralty in England does not sit twenty-eight days in the course of the year. But as to the Vice-Admiralty Court of Malta, that is no sinecure, for it is a well-employed court either in peace or war. It is a most vulgar and most fallacious test of the importance of judges, to say they sit only a certain number of days. Then, too, the Chief Justice is a judge of appeal in all civil cases; and though there may be few appeals, yet the office is necessary, to control and keep in order the courts below. It is necessary, first, to keep them attentive to their duties; and, secondly, to keep them honest, and prevent them from becoming corrupt. In my opinion, the Chief Justice of Malta is a most important office; and doubly important, when it is considered that English law is now taken as the basis of Maltese law, and that for the last twenty-five years more and more English law has been introduced into the Maltese courts, — there having been twenty or thirty ordinances to that effect.

With respect, too, to trial by jury, it is a very ordinary matter here; but take any foreign lawyer, how well soever he may be versed in his own laws, — not such men as the commissioners who went to Malta, — whether from France, Germany, or Italy, into the court of the Lord Chief Justice in Westminster Hall, to witness the trial of a person by jury, and in the first five minutes, — although we, from being accustomed to the proceeding, and familiarised with it, might not be struck, — there would yet be forcibly impressed on the mind of the foreigner, the impression, "what an anomalous system it is!" But here lies the 'gist of the question; for the commissioners say there is no difference between the functions of a judge with a jury, and the functions of a judge without a jury. Good God! no difference? Why, there is the most material difference. Could these men have ever seen a jury trial? This is the result of sending speculative men to judge of practical questions. Trial by jury, however, is not yet fully introduced into Malta, as it at present exists only in criminal cases affecting the life of men, or where the punishment is to work at the galleys for life — not being at all introduced into civil cases. But there will be, at some future time, trial by jury in civil cases; and if the office of English Chief Justice be abolished, how can it be conducted? Let your Lordships look at Scotland. It has been introduced there in civil cases for the last twenty-five years, and yet is not a perfect system at the present moment. I must say that I have much more confidence in the professional skill, habits, and learning of an English lawyer taken from Westminster Hall, than in any six Maltese lawyers, be they who they may. But, then, it may be said, "You may purchase this too dear;" to which I will reply, "Justice never can be bought too dear." I will deny, too, that, because the law is partly Maltese, an English lawyer is not therefore required; for if one half of the law were English, an English lawyer would certainly know it much better than a Maltese; and as to the other half, as the Maltese law is grounded on the Justinian Code, an English lawyer, having a knowledge of general principles and general jurisprudence, would be perfectly competent for all he would be called on to do. There is much, too, in a judge being considered beyond the reach of temptation — beyond suspicion; and I may say, that no judges can be found more pure than English judges. Could the trash which has been lately brought before your Lordships, as resulting from the law of libel in Malta, have taken place, if an English lawyer had been there? And yet my Noble Friend behind me says, "It is not a matter of speculation, but of experience; for this change has been tried six months, and there has been no appeal." Tried for six months! And that is to be considered a sufficient trial! I can easily account for a governor not very much liking a chief justice. The governor, from his military habits, if he be a military man, — or, indeed, whether he be or be not a military man, — is apt to come into collision with a chief justice. Of this there are many instances in Europe, and out of it. The Maltese judges are more pliant than an English judge; for I will venture to say that, from the 1st day of January to the 31st of December, not one of those Maltese judges would, in act or word, come in any way into collision with the Governor. I mention this, not out of any want of good feeling to the present Governor, who is an old friend of mine whom I much respect, but to show that there are circumstances which will make him an easy convert to the opinions of the commissioners, that the office of Chief Justice should be abolished; an opinion which, I repeat, is not strengthened by any knowledge of the nature of the duties of that, or those other offices, the abolition of which they recommended. The responsibility, doubtless, rests with the Government. It has, how-

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ever, become, of late, the fashion to appoint commissions, and this divides the responsibility; for the Government will say that this or that was "recommended by the commissioners." They, however, should consider who the commissioners are, and weigh well the grounds of their recommendation. Let them, in the present instance, consult the Noble and Learned Lord on the woolsack, who will give them good law; and let them trust to their own wisdom; and they will come to a better decision than by following the Report of these commissioners. All practical experience is against abolishing the office of Chief Justice; and I should think, also, that of Attorney General; but into that point I will not enter, — I will rely on the statements and arguments of my Noble Friend opposite.

The MARQUESS of NORMANBY.— At this late hour, and even after the lengthened discussion which the subject has already undergone, there are one or two points on which I feel it necessary to offer a few remarks. Had I been able to address your Lordships at an earlier hour in the evening, I should have considered it necessary to have gone into some details, in justice to the course taken by the Government, and also in justice to the commissioners, who have been so severely dealt with by the Noble and Learned Lord. Notwithstanding the observations of the Noble and Learned Lord as to the Report of those commissioners, and their competency to the task assigned to them, it is only just to them to state, that the results of that Report have given very general satisfaction throughout the island. The Noble and Learned Lord has laid great stress on the case of Mr. Cumberland. Now, I know how difficult it is to deal with questions which are of a personal nature. I have a great regard for Mr. Cumberland; I have known him well, though it is now many years since we met. In the case of that gentleman, I speak of him only in his official character; and, in fairness to the commissioners, I must say that, in representing him as incompetent for the situation of collector of land revenue, they stated only what was notorious to every one in the island. The reason why that portion of the Report was omitted, was a feeling of delicacy to Mr. Cumberland himself. The passage left out, by desire of the Treasury, stated that it was notorious to all his subordinates that he was altogether incompetent to the discharge of the duties of his office; and that, in fact, they were performed by another person, who received a small amount of salary for so doing. In stating this, it does not follow that Mr. Cumberland may not have been quite efficient in discharging the duties of another office; but it is no injustice to him to say, that he was not fit for those of the one which he did hold. Where, then, is the injustice done to that gentleman, in his being removed from that appointment? I cannot consider him as so "unfortunate," as he has been described, in having been allowed to receive, for six years, the emoluments of an office for which he was unfit. As to the judicial changes recommended by the commissioners, I must say, that nothing of personal feeling was mixed up with them, nor was it ever intended that they should be considered as casting any stigma on the gentlemen whose removal was recommended. The question was, whether the number of judges was greater than was necessary for the discharge of the duties they had to perform? The only way to look at that point was, to ascertain the number of days they sat, and the average time, each day, in a given time. But the Noble and Learned Lord (Lord Brougham) has complained that the commissioners took the average of the sittings in the year 1837, in which, by reason of the prevalence of the cholera, the sittings were necessarily much diminished, as compared with those of other years. Now, the commissioners state that the average returns from other years will show no material difference from their first Return. The removal of Mr. Langslow cannot be considered as any imputation on his character. He held the office of Attorney General, in which, from his want of knowledge of the language, he could not plead, but was obliged to act by a deputy, who was versed in the Maltese tongue. Now, I maintain that the Maltese judges will be found sufficient for the discharge of the judicial duties of the island. The chief of these is Dr. Buonanita, — a gentleman in every way qualified to preside in the court to which he is appointed. I am surprised that the Noble Earl should consider the removal of Sir John Stoddart and Mr. Langslow as in any way reflecting upon the character of those gentlemen. It certainly does not lessen them in my estimation; for I have been, since, in communication with both of them, with a view to seeing whether their services might not be rendered available in some other appointments? The removal of those functionaries, whose services are not absolutely necessary, may be defended on the ground of the state of the revenue of Malta. While your Lordships are now discussing whether a Chief Justice

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should or should not be continued, with a salary of 1600*l.* a-year, the state of the revenue of that island is absolutely below its expenditure: it is insufficient to the organisation and maintenance of an efficient police. The prisoners are obliged to work; and, in short, the greatest distress prevails amongst the lower classes, who are taxed to an amount more than they can well bear. The Maltese people are opposed to a system which gives 1600*l.* a-year to the Chief Justice, whilst the Professor, at their University, has only 30*l.* a-year. Every effort should be made to raise the character of the population; and, among other obvious means of giving satisfaction to them, has been found this of doing away with these offices, and their extravagant salaries, amongst which are those which have been held by the gentlemen to whom allusion has been made. I agree, indeed, with the Noble and Learned Lord (Lord Brougham), that it requires more time to test the good working of this system. Sir Henry Bouverie is a very high authority, however, on this subject; and, with his authority on behalf of this system, I, for one, am not disposed, at present, to recommend any relaxation. I shall be always ready to avail myself of any opportunity for employing those gentlemen in the public service; and, with regard to Mr. Cumberland, I shall be glad to take under consideration his unhappy situation. There the question must rest.

LORD BROUGHAM. — With regard to one observation which has fallen from the Noble Marquess, — I would have cut off the two judges now appointed, and allowed the English judge to remain. I think that a military man for a governor is the very worst you can have.

VISCOUNT MELBOURNE. — I cannot help thinking that the Noble Earl has allowed his feelings to run away with him. He has really argued as if these offices were created, not for the benefit and advantage of the state, but for the benefit and advantage of those who are placed in them. My Noble and Learned Friend has argued the question on much bolder grounds. I only rise, however, for the purpose of saying one word which relates rather to the department that I hold, — and that is, as to the compensation awarded on the present occasion. These gentlemen think the Treasury is very hard on this occasion, for persons who talk of liberality and generosity. My Noble Friends will recollect that there is neither liberality nor parsimony in this case, — for, if there were, it would be liberality or parsimony with the public money; and these are qualities generally considered as personal qualities, and not to be applied to the use which a man makes of the money of other people. When the Noble Earl talks of the liberality with which the Treasury ought to act, he seems to forget a little instrument which is rather important on this occasion, — namely, the 4th and 5th of William IV. c. 4., which passed when my Noble Friend was, himself, in office, and which, he knows very well, was prepared and matured by a Right Honourable Gentleman, from whom, now, unfortunately, I am separated in politics; and he will recollect that this Act of William IV. settles the principle and proportions in which compensation is to be given; and it also settles the number of years of service, after which, and in certain proportions, compensation is to be given; — that, for ten years' service, one third of the salary is to be allowed, — which was the compensation given to the Chief Justice for serving twelve years and a half, — being as large a compensation as could be allowed. Under that Act, the Attorney General is not entitled to compensation at all; he has not held his office for more than five, or six, or seven years: and I apprehend that the arrangement which the Treasury have made with that learned gentleman, to give him his salary for one year, and in the mean time to offer him some employment, will be much more agreeable to his feelings than receiving remuneration for performing no service at all. My Noble Friend has adverted to another case — as he has described it, a very melancholy one. It is, unfortunately, a sort of case which is by no means rare; there are many others of the same description. I do not wish, I am sure, to advert to that letter to the Treasury which has been read; but the gentleman himself has not, in my opinion, been very prudent in publishing it. My Noble Friend leaves to your Lordships the impression, that no more than 100*l.* has been received by this gentleman. I am unwilling to mention this case; I wish it had not been mentioned at all: but, seeing that it is a case liable to move and excite a great deal of compassion, I think it should be known that that sum is not the only compensation which Mr. Cumberland has received.

The EARL of RIPON. — It appears to be thought that the appointment of Mr. Cumberland was an injudicious act. I can only say there has been no complaint of the mode in which his duty was performed in Malta. It is said that the gen-

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tleman in question was inefficient, and that the labours of his office were performed by deputy. Who has said that? The deputy;—and the whole case rests on his evidence. It seems to me a most marvellous thing, that the commissioners never gave Mr. Cumberland an opportunity of stating what was the nature of his office, and how he performed the duties of it. Mr. Cumberland decided every point on his own judgment; and the deputy, who made the statement alluded to, is the man who has benefited by the steps founded on it.

The motion was then agreed to.

SPIRITUAL SERVICES OF PARISHES BILL.

Amendments reported (according to order); an amendment made; and Bill to be ingrossed.

ECCLESIASTICAL DISTRICTS BILL.

Read a second time (according to order), and committed to a committee of the whole House on Thursday next.

PROTECTION AGAINST BANKRUPTCY BILL.

Read a third time (according to order); passed, and sent to the Commons.

COMMON PLEAS REGULATION BILL.

Third reading (which stood appointed for this day) put off to Monday next.

EDUCATION (NATIONAL).

Petitions against the plan recommended by the Privy Council,—of clergy and laity of the northern district of the deaneries of Kendal and Lonsdale; of members of the Bath Church of England Lay Association; and of inhabitants of Saxmundham, Kelsall, and Carlton.—Read, and ordered to lie on the table.

GALLIC PROFESSORSHIP.

Petition for establishing a Gallic Professorship in Glasgow University,—of the Ossianic Society of Glasgow University.—Read, and ordered to lie on the table.

BEER ACT IN PART REPEAL BILL.

Petition against,—of beer retailers of Shefford.—Read, and ordered to lie on the table.

EDUCATION (NATIONAL).

Petition in favour of the plan of,—of the congregation of Unitarian Dissenters of the Presbyterian chapel, Crook's Lane, Chester.—Read, and ordered to lie on the table.

PAPERS.

Returns of the coroners' inquests held on the bodies of persons killed during the last five years in the coal pits, lead and other mines, of the counties of Northumberland, Cumberland, Westmoreland, Durham, York, Lancaster, Derby, Stafford, Nottingham, and Chester; distinguishing the age and sex of the persons killed, and the verdicts returned.—Delivered (pursuant to Address of the 7th of March last), and ordered to lie on the table.

Adjourned.

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HOUSE OF COMMONS.

PRIVATE BUSINESS.

Dublin and Drogheda Railway. — Petition for leave to present a petition for a Bill, reported; leave given; petition presented accordingly. — Referred to the Select Committee on Petitions for Private Bills.

Petition of Pierce Mahony, praying that the Standing Order requiring fifteen clear days between the day on which the petition for any Private Bill relating to Ireland shall be presented and the day on which the sub-committee shall sit thereupon, may, in this case, be dispensed with. — To lie on the table, and to be printed.

Railways. — Petition of the Lancaster and Preston Junction Railway Company, complaining of the decision of a committee of the House in refusing to hear the proprietors of an existing railway against a competing line. — To lie on the table.

Nottingham and Mansfield Small Debts Bill. — Petition of inhabitants of Alfreton and other places, against. — Referred to the committee on the Bill; counsel ordered.

Battersea Common Fields. — Petition of William Bullen, complaining of his imprisonment for a trespass arising out of a disputed right of common, and praying for inquiry. — To lie on the table.

Glossop Small Debts Bill. — Petition for additional provision reported; instruction to the committee on the Bill, That they have power to make provision therein pursuant to the prayer of the said petition.

Petitions for Private Bills. — Leave to Sub-Committee No. 4. to sit this day till five of the clock, during the sitting of the House.

Mellin's Divorce Bill. — Evidence taken before the Lords thereon, communicated to the House. — Referred to the committee on the Bill.

Allison's Divorce Bill. — Leave to the committee to make a special Report. — Reported, without amendment, and with special Report; special Report to be taken into further consideration to-morrow, and to be printed.

Black Quarry (or Anniesland) Road Bill. — Report further considered (prints having been delivered on Friday, the 21st of June); amendments agreed to; other amendments made; Bill to be ingrossed.

Wishaw and Coltness Railway Bill; Slamannan Railway Bill; West Durham Railway Bill. — Lords' amendments agreed to.

Pontefract Honor Court (recommitted Bill. — Reported; to be ingrossed.

Lord Templemore's Estate Bill. — Reported, with amendments; amendments agreed to.

Earl of Darnley's Estate Bill; Duke of Buckingham's Estate Bill; Ladykirk (or Robertson's) Estate Bill; Sharp's (or Giles's) Estate Bill; Ivanoff's Naturalisation Bill. — Severally reported, without amendment; read a third time, and passed.

St. George's Naturalisation Bill. — Read a first time; to be read a second time.

Liverpool Buildings Bill; Deptford Pier Junction Railway Bill. — Read a third time, and passed.

Hereford Lunatic Asylum Committee. — Power to report opinion.

Report subsequently brought up, and read; to lie on the table, and to be printed.

BELFAST WATERWORKS (No. 1.) BILL.

Petition, presented by Mr. E. TENNENT, of the Belfast Charitable Society, against. — To lie on the table.

Motion made by Mr. O'CONNELL, and

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Question proposed, "That the Bill be now read a second time."

Mr. E. TENNENT. — I rise to oppose the second reading of this Bill, as a measure which is totally uncalled for by the inhabitants of Belfast, who are, in truth, unanimously opposed to it, and who conceive that it will be exceedingly oppressive. I call upon the Honourable Member for Dublin to show me a single petition in favour of the Bill from the entire town of Belfast, or a single inhabitant of that town who supports it; whilst, on the other hand, there have been meetings of the inhabitants, who have, with one unanimous voice, declared that they will not have this Bill, — that it will tend to injure, most seriously, the course of public charity, and conduce to the discomfort of the town itself. The present stage of the Bill is nothing more than its introduction,—for, from February to May, the parties did not proceed one step with it,—and we are now, within a few weeks of the end of the Session, called upon to commence and concur in a vexatious opposition to this Bill. Besides, this Bill has the appearance of fraud on the face of it. It has been represented as a third class Bill; upon that representation it was printed; and yet, from beginning to end, it is filled with the most extravagant powers, which evidently make it a second class Bill. It should, therefore, be referred back to the committee. Upon the ground, then, of informality, as well as of the injustice of the Bill itself, I move that it be read a second time this day three months.

Mr. DUNBAR. — I second the motion.

COLONEL VERNER. — As my name is connected with this Bill, I wish to make one observation. I shall not attempt to answer the Honourable Member for Belfast, because I do not conceive that this is the proper time for doing so; but, if the House will allow the Bill to be read a second time, and then sent to a committee, I undertake to satisfy the minds of that committee as to the merits of the Bill. Let me remind the House that this is not a Bill of a party or political nature. The fact of my being united with the Honourable and Learned Member for Dublin, in bringing it in, is a sufficient proof of that. I only ask the House to allow the Bill to go before a committee, and be there tried upon its merits.

Mr. O'CONNELL. — I trust the House will allow this Bill to be read a second time. The town of Belfast is not, at present, sufficiently supplied with water. The population of Belfast is increasing faster than that of any other town in Ireland; — it is increasing to the extent of 2000 souls per annum. The poor people are obliged to purchase water by the can, from itinerant vendors, — as not more than three fourths of the town — that is, the wealthiest part of it — are supplied with pipes. The report of the surveyors appointed by the charitable company alluded to by the Honourable Member, states that that company is able to supply 112 gallons only a-minute, whereas the town requires upwards of 500 gallons a-minute; and that the water works, at present, produce only 1500*l.* a-year, while the voluntary supply provided by the inhabitants costs 2500*l.* The case is so strong, in all its points, that I cannot see wherein lies the objection to this Bill. The company to be established under it do not require any rate or forced levying, but merely the power of selling water. If there be any fair objections to the Bill, why, let them be considered before the committee.

Mr. DUNBAR. — The Honourable Member for Dublin has said that the poor people of Belfast are obliged to purchase water from itinerant vendors. Now, they are supplied with water at a much lower rate than they can possibly be by the proposed company, whose charges will be one third higher. Under the present Act, by which the town is supplied, the rates cannot be raised above a certain sum, and their net produce is paid to a charitable institution — one of the most valuable institutions in the town, — which will be destroyed by this Bill, — and which, I trust, the House will not put to the expense of opposing the Bill before a committee. The people of Belfast are unanimously opposed to this measure; and my Honourable Colleague and I have several petitions against it, which we shall present in case it shall not, now, be thrown out.

The House divided: — Ayes 107; Noes 53; — Majority 54.

AYES.

Alcock, T.	Bruges, W. H. L.
Archbold, R.	Busfeild, W.
Baines, E.	Cavendish, Hon. C.
Bannerman, A.	Chester, H.
Barnard, E. G.	Chetwynd, Major
Barron, H. W.	Chichester, J. P. B.
Blake, W. J.	Clements, Lord Visct.
Bodkin, J. J.	Crawford, W.
Broadley, H.	Dalmeny, Lord
Brocklehurst, J.	Dashwood, G. H.
Brotherton, J.	Davies, Colonel

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Divett, E.
Donkin, Sir R. S.
Duff, J.
Duke, Sir J.
Duncombe, T.
Dundas, F.
Elliot, Hon. J. E.
Ellice, Rt. Hon. E.
Ellice, E.
Ellis, W.
Evans, W.
Finch, F.
Fleetwood, Sir P. H.
Gibson, T. M.
Gordon, R.
Grattan, J.
Grattan, H.
Grey, Rt. Hon. Sir G.
Hall, Sir B.
Harvey, D. W.
Hawes, B.
Hayter, W. G.
Hector, C. J.
Heneage, E.
Hill, Lord A. M. C.
Hobhouse, T. B.
Hodges, T. L.
Hoskins, K.
Howard, F. J.
Humphery, J.
Jones, John
Lennox, Lord A.
Lister, E. C.
Lushington, C.
Lushington, Rt. Hn. S.
Macleod, R.
M'Taggart, J.
Muskett, G. A.
O'Callaghan, Hon. C.
O'Connell, M. J.
Ord, W.
Oswald, J.
Parker, J.
Parnell, Rt. Hn. Sir H.
Pattison, J.
Pechell, Captain
Philips, M.
Phillpotts, J.
Pigot, D. R.
Power, James
Pryme, G.
Redington, T. N.
Rundle, J.
Salwey, Colonel
Sanford, E. A.
Seale, Sir J. H.
Seymour, Lord
Somerville, Sir W. M.
Speirs, A.
Stanley, Hon. E. J.
Stanley, Hon. W. O.
Steuart, R.
Stuart, W. V.
Stock, Dr.
Strickland, Sir G.
Strutt, E.
Style, Sir C.
Surrey, Earl of
Tancred, H. W.
Thornely, T.
Troubridge, Sir E. T.
Vigors, N. A.
Walker, R.
Wallace, R.
Warburton, H.
Westenra, Hon. H. R.
Westenra, Hon. J. C.
White, A.
Williams, W. A.
Wilshere, W.
Winnington, T. E.
Winnington, H. J.
Wood, Sir M.
Worsley, Lord
Yates, J. A.

Tellers.
O'Connell, D.
Verner, Colonel

NOES.

Bentinck, Lord G.
Buck, L. W.
Burr, H.
Chapman, A.
Codrington, C. W.
Cole, Lord Visct.
Curry, Mr. Serjeant
Douglas, Sir C. E.
Dungannon, Lord Vt.
Eastnor, Lord Visct.
Estcourt, T. (Oxf. U.)
Estcourt, T. (Dev.)
Filmer, Sir E.
Fremantle, Sir T.
Gaskell, J. M.
Gore, O. J. R.
Goulburn, Right Hon. H.
Graham, Rt. Hn. Sir J.
Grant, F. W.
Grimsditch, T.
Hale, R. B.
Halford, H.
Hardinge, Right Hon. Sir H.
Herbert, Hon. S.
Hodgson, R.
Holmes, W.
Hope, Hon. C.
Houldsworth, T.
Hughes, W. B.
Hurt, F.
Irton, S.
Irving, J.
Knatchbull, Rt. Hon. Sir E.
Knight, H. G.
Litton, E.
Lockhart, A. M.
Lowther, J. H.
Mackenzie, T.
Miles, P. W. S.
Palmer, G.
Parker, T. A. W.
Planta, Right Hon. J.
Plumptre, J. P.
Polhill, F.
Pringle, A.
Sandon, Lord Viscount
Sheppard, T.
Stanley, Lord
Thornhill, G.
Trench, Sir F.
Villiers, Lord Visct
Wilbraham, Hon. B.
Wyndham, W.

Tellers.
Dunbar, G.
Tennent, E.

Main question put, and agreed to; Bill read a second time, and committed to COLONEL VERNER and the Ulster list.

PUBLIC BUSINESS.

MESSAGE FROM THE LORDS.

That they have agreed to — Amendments to Blunt's Estate Bill, without amendment: Camber (Portsmouth) Quay Bill; Norwich Tonnage Bill; Ballochney Railway Bill, with amendments.

That they have passed a Bill, intituled, "An Act to authorise the Sale of certain Lands, Tenements, and Hereditaments in the Counties of Kent and Northampton, formerly belonging to William Marshall, of Clifford's Inn, in the City of London, Gentleman, deceased, and for other Purposes incidental thereto."

NEW MEMBER SWORN.

JAMES OSWALD, Esquire, for Glasgow.

MISCELLANEOUS PETITIONS.

The following petitions were severally presented, and ordered to lie on the table; namely, —

Spirits (Ireland), — For repeal of that portion of Act 6 and 7 William IV. which prohibits the sale of spirits by grocers in Ireland, — from Youghal; and Carlow.

Postage, — For a low and uniform rate, — from Belfast: persons employed in the establishment of Braithwaite, Milner, and Company, engineers, New Road, Fitzroy Square: Jemima Kipps, coach-builder and harness-maker, Great Marylebone Street: Gilling; Manchester; Brumpton; Skeeby; and Coventry.

Army, — From Stonebridge, for enabling Presbyterian soldiers to participate in the services of their church.

Church of Scotland, — From Rousay and Egleshay, for extension.

Church Establishment (Canada, &c.), — From Talaton, for extension.

Corn Laws, — Of Arthur Anderson, for repeal.

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Post Horse, &c. Duties, — From Banbury, for repeal.

Germanic Commercial League, — By Mr. BAINES, — from Leeds, complaining of injury inflicted upon the trade and manufactures of this country by the regulations of the Germanic Commercial League, and praying for the adoption of measures to secure the attendance of some duly authorised and competent representative of the British Government at the approaching sitting of the Commission at Berlin. — To be printed.

Education, — Against the proposed scheme, — from Basildon; Torrington; Criggion; and Turvey.

From Claughton in Lonsdale, in favour of the proposed scheme.

RETURNS, &c.

Merchant Seamen. — Return presented — from the Corporation for the Relief of Merchant Seamen, of the number of pensions granted to each number of pensioners (ordered 17th of June). — To lie on the table.

Bankruptcies. — Return presented — from Mr. Abbot, of bankruptcies, previous to Act of 1831, appointing official assignees, &c. (ordered 18th of May, 1838). — To lie on the table.

Public Petitions Committee. — Thirty-second Report brought up, and read. — To lie on the table, and to be printed.

Dublin and Mullingar Road. — On the motion of Mr. EMERSON TENNENT, Returns ordered —

Of all sums due, by debenture or otherwise, upon the Dublin and Mullingar turnpike trust, together with the names of the several holders and creditors, and the several rates of interest paid on each:

Of all sums received for tolls, from the 1st day of January, 1832, to the 1st day of January, 1839, distinguishing those arising from leases and those arising from biddings; together with the names of the several lessees or farmers, and their securities:

Of all sums expended on said trust for said period, for repairs and improvements, with the names of the contractors or undertakers for same time:

Of all salaries, costs, &c. paid on behalf of the said trust, for like period.

Alexander Humphreys. — On the motion of Mr. WALLACE, Address for —

Return, in detail and columns, of the total expense attending the trial of Alexander Humphreys, claiming the title of the Earl of Stirling, before the High Court of Justiciary in Scotland, including the sums expended previously to the trial, in investigations in France and elsewhere, in procuring evidence in precognitions and otherwise; the fees paid to Crown and other counsel, payments to, or on account of law agents, and other professional persons, &c. &c.; distinguishing their names, professions, or employments; the sums paid to each person respectively, with the dates of each payment; and also those of the commencement and termination of the trial; and showing the sum total expended.

BANKRUPTS (IRELAND) BILL.

Report to-morrow.

BOROUGH WATCH RATES BILL. — CUSTODY OF INFANTS BILL. — BANKRUPTS' ESTATES (SCOTLAND) BILL.

Third readings to-morrow.

TIN DUTIES (CORNWALL) BILL.

Report thereupon to-morrow.

PUBLIC OFFICES (DOWNING STREET).

Committee to be nominated to-morrow.

SMALL TENEMENTS BILL.

Second reading on Monday next.

PATTERNS AND INVENTIONS BILL.

Second reading on Wednesday next.

PAPER DUTIES BILL. — BRICK DUTIES BILL.

Further consideration of Reports on Wednesday next.

LONDON CITY POLICE BILL.

Further proceeding on third reading on Tuesday next.

PAYMENT OF RATES BILL.

Second reading on Monday, the 8th of July.

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LOAN FUND (IRELAND) BILL.

Second reading to-morrow.

SUPPLY.—WAYS AND MEANS.—BOROUGH COURTS (No. 2.) BILL.—PUBLIC WORKS (IRELAND).

Committees to-morrow.

COPYRIGHT BILL.

Committee on Wednesday next.

ECCLESIASTICAL DUTIES AND REVENUES BILL.

LORD JOHN RUSSELL.—I rise to give notice that I shall, to-morrow, move for leave to bring in a Bill for the continuance of the existing Ecclesiastical Appointments Suspension Act for one year longer. With regard to the Ecclesitical Duties and Revenues Bill, which stood for discussion yesterday, two Honourable Gentlemen on the other side of the House have expressed a desire that it should be postponed. I am quite aware that there are many reasons why it should not be proceeded with at this period of the Session. I know it would be very difficult to obtain a sufficient attendance of the Spiritual Lords in the other House of Parliament—or, at least, such an attendance as would be desirable in proceeding to legislate upon the subject of this Bill. It has been stated, but without authority, that some propositions are to be made, and some modifications proposed, in reference to this measure, calculated to obtain for it a more general consent. I am certainly desirous that the Bill should have as general a consent on the part of Parliament, and on the part of the church, as can be secured for it; and I am, therefore, not unwilling to postpone it; but I should be reluctant indeed to do so, if it were considered that, thereby, I was at all giving up the principle of the Bill, or the essential objects to be effected by it. I think it is highly necessary that some measure applying certain revenues of the church to the spiritual instruction of the people in those populous districts where such instruction is much needed, should be carried into effect by a parliamentary enactment. Therefore, Sir, in postponing the Ecclesiastical Duties and Revenues Bill, it is my intention, at the same time, to introduce the measure of which I have just given notice, to carry into effect the suspension of certain cathedral dignities, which have several times been suspended by Act of Parliament,—a course which, if repeated year by year without any prospect of coming to a determination upon the subject, is, I am aware, open to objection. What I propose is, that the Bill, of which I have given notice, shall provide for the suspension of the same appointments as it is proposed, ultimately, to do away with; and that those appointments which are to be filled up, shall be filled up in the same order as is provided in the Ecclesiastical Duties and Revenues Bill. I shall, therefore, postpone the Ecclesiastical Duties and Revenues Bill for a fortnight, with the view of seeing whether the Suspension Bill, which I propose to introduce, is likely to meet with the assent of Parliament and of the church. If that assent is likely to be obtained, then I shall give up the Ecclesiastical Duties and Revenues Bill for the present Session; but if, on the contrary, the Suspension Bill shall be opposed, then I shall think it necessary to press the former Bill, in order to show that I am not disposed to abandon the objects of that Bill, the manner in which it is intended to carry those objects into effect, or the principles upon which it is founded. I now propose that the Ecclesiastical Duties and Revenues Bill be postponed for a fortnight.

Agreed to; committee on Thursday, the 11th of July.

PUBLIC BUSINESS.—CANADA.—MUNICIPAL CORPORATIONS (IRELAND) BILL.

SIR ROBERT PEEL.—I think I cannot take a better opportunity than the present, of suggesting that, as we are now arrived at almost the last day in June on which the House will sit, it would be very convenient if the Noble Lord would announce, not now, but on some early day, after he has given the subject full consideration, what are the Bills with which he intends, and what those with which he does not intend, to proceed—during the present Session? That is a course which is generally adopted at a much earlier period of the Session than has now arrived; and I must say that it is one which would most materially facilitate the business of the House. I beg, also, to express a hope that the Noble Lord will, shortly, name the day on which he proposes to proceed with the second reading of the Canada Bill; because I give this public

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notice to the Noble Lord, and to the House generally, that I shall feel it to be my duty to object to the second reading of that Bill. I do not intend to contest the principle of the measure itself; but I do intend to object to the propriety of deciding, at this period of the Session, upon the general principle of a union of the two provinces of Canada, if it be not intended to proceed to actual legislation when that principle shall be affirmed. If Sir J. Colborne intimates to us that he has forwarded all the information which can be obtained, — and if the Noble Lord opposite tells me distinctly that it is, *bonâ fide*, his intention to legislate in the present Session, — I am so little disinclined to the principle of the union, that I shall be prepared to assent to the second reading of the Bill. But if we are not to proceed to legislation in the present Session, I cannot give my sanction to the second reading of the Bill, because it will be impossible to discuss the subject of a legislative union of the two provinces, without entering upon many other, and most important, considerations; and because, in my opinion, the discussion of those important considerations ought to be followed by immediate legislation; for if that discussion take place, and if, the report of our proceedings having gone out to Canada, we do nothing, for seven or eight months after, in the way of legislation, the objects of the Government and of the Parliament may be misunderstood and misrepresented, and the measure for effecting a union may, as the consequence, be prejudiced in the minds of the people of the colony. Not objecting to the principle of a legislative union, I should not directly oppose the second reading of the Bill; but I should feel it my duty to make some motion, such as "the previous question," or "that the House proceed to the other Orders of the Day," in order to afford the House an opportunity of expressing an opinion as to the policy of pledging the House in the present Session to the abstract principle of a union, if we are not to proceed to actual legislation for another year. I also intend to pursue the same course with respect to other Bills. If it be the intention of Government, with respect to any other measures now before the House, to take the second reading in the present Session, and to postpone their further progress to another year, then, as a general principle, I shall pursue the same course with respect to those Bills, as I have intimated my intention to adopt with respect to the Canada Bill, — that is, I shall invite the House to refuse its assent to the principle of any measure which it may not be intended to carry into a law during the present Session.

LORD JOHN RUSSELL.—I shall certainly take an early opportunity of stating what Bills I intend to proceed with during the present Session, and what Bills I propose to abandon. Several Bills have already been abandoned, respecting which it will, of course, be unnecessary to make any declaration. The Right Honourable Gentleman has suggested that I should take time for consideration before I make any announcement as to the measures which the Government will proceed with in the present Session; and I shall certainly do so, — for I recollect that I was, last year, accused of abandoning a Bill which I might have carried. I may seize this opportunity of announcing, for the information of Honourable Members connected with Scotland, as questions have frequently been put to me on the subject, that there are three Bills with respect to Scotland, which shall be proceeded with in the present Session, — namely, the Judges' Salaries Bill, the Prisons Bill, and the Bankrupts' Estates Bill; but it is not intended to press any other of the Bills relating to Scotland in the present Session. With respect to the Canada Bills, I fear some misapprehension may exist, after the statement of the Right Honourable Gentleman, if that statement be not explained. There are two Bills which the Government have obtained leave to introduce with respect to the affairs of Canada. There is one of the Bills, as I have already stated, with which I do not intend to proceed this Session. The other, respecting the powers which have been conferred by Act of Parliament upon the Governor and Special Council, I do intend to proceed with in the present Session. I hope, therefore, that the Right Honourable Gentleman's statement did not refer to the last-mentioned Bill; because, after what passed last year, with respect to the judges in Canada, I shall think it necessary to press that Bill. I will not, now, enter into the question, whether it is politic or impolitic to ask the House to consent to the second reading of the Bill for effecting a union of the provinces of Upper and Lower Canada in the present Session; I shall reserve my opinions upon that point till the subject is regularly before the House. With regard to the Orders of the Day, I feel it right to say that I have been informed that it is the wish of the Right Honourable Gentleman opposite (Mr. Shaw), and other Irish Members, that the Municipal Cor-

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porations (Ireland) Bill should not be brought forward to-morrow. I confess I have not heard any good reason for postponing it; and it may be as well for the Right Honourable Gentleman to state, now, why he is unwilling that that Bill should be proceeded with to-morrow?

SIR R. PEEL. — Let us dispose of Canada first. I am quite aware that the Noble Lord introduced two Bills relative to Canada; and that, with respect to one of those Bills, it is the intention of the Government to proceed to effective legislation in the present Session. With respect, however, to the Bill for effecting a union of the two provinces, I understood the Noble Lord to state that it was not his intention to proceed to actual legislation in the present Session; and that he would only call upon the House to pronounce an opinion upon the principle of a union. My objection does not apply to the first of those Bills; and my present impression is, that the principle of that Bill will not be opposed, and that it will be allowed to be read a second time, — of course, reserving myself as to the details of the measure, and not pledging myself that some of the minor provisions of the Bill will not be opposed. It is the second of the Canada Bills which I object to, — not on account of the principle of the measure, but because I contend that it is neither wise nor politic to call upon the House to affirm the abstract principle of a union in the present Session, when we are not to proceed to actual legislation till some after and indefinite period. That is the ground on which I shall resist the Bill for effecting a union of the two Canadian provinces; and, perhaps, the Noble Lord, for the convenience of the House, will state when he intends to bring forward that measure?

LORD JOHN RUSSELL. — I shall state, to-morrow, when it will be proceeded with.

Mr. SHAW. — The reason why I do not wish the Municipal Corporations (Ireland) Bill to be proceeded with to-morrow, is, that the Noble Lord has intimated that he intends to proceed, in the first place, with the Controverted Elections Bill. Now, I think the Corporations Bill, when it is to come on, ought to come on at an early period of the evening. Besides, it has been understood that the Noble Lord did not intend to proceed with that Bill in the present Session. Since it appears, however, that that is an erroneous impression, I think some night ought to be fixed upon which it can be brought on before any other business.

Mr. W. S. O'BRIEN. — I do hope the Noble Lord will not consent to the further postponement of the Bill; and I would suggest that the Noble Lord should commence the business of to-morrow evening with the Irish Corporation Bill.

SIR D. ROCHE. — I am quite of opinion with my Honourable Friend, that the better course would be, to take the Corporation Bill first.

LORD JOHN RUSSELL. — As there has been a very full attendance of Members this week, I do not think there is any necessity for postponing the Bill beyond to-morrow, although I cannot agree with my Honourable Friend behind me, that it should take precedence of the Controverted Elections Bill. It will not require much time to settle the remaining points in question upon that Bill. I do not see how the business can be arranged so as to suit all parties; and it certainly is not fair for Honourable Members to object to my proposal, because they happen to have an engagement for dinner.

SIR ROBERT PEEL. — I think that, as the Bill is one of great importance, there should be some distinct understanding as to the day on which it is to come on. There are 280 clauses in the Bill; and although it has already been frequently before the House, there may be many Honourable Members who would require time to make themselves masters of their details. For my own part, I shall be so occupied with the Election Petitions Bill, that I shall be quite unable to give the matter any consideration to-morrow; and I cannot but express a hope that four or five days' notice will be given. I would suggest that the Bill should be fixed for Thursday next; and, in that case, I venture to say that there will be no disposition to enter into any preliminary discussion.

Mr. HUME. — Sir, this question presses very much with respect to the people of Ireland; and therefore I hope the Noble Lord will take it to-morrow without fail. Ireland expects something, but nothing has yet been done for her.

LORD JOHN RUSSELL. — The Honourable Member is thinking, I see, of Kilkenny. With respect to the clauses, it is not to be supposed that we could get

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through all the 280 to-morrow. There is one point, especially, in the Bill, which has been frequently a matter of difference in the House, — that of the franchise; and having taken the discussion on that question, I shall postpone the consideration of the other clauses until some future day.

SUMMARY JURISDICTION BILL.

Mr. KELLY. — Sir, I wish to know whether it is the intention of Government to proceed with the Summary Jurisdiction Bill during the present Session?

LORD JOHN RUSSELL. — Yes.

LEGISLATION IN THE COLONIES.

DOCTOR LUSHINGTON. — Sir, I beg to ask the Right Honourable Gentleman the Under Secretary for Colonial Affairs, whether any authentic information has reached his Office from the Legislature of Tobago, communicating the information that they have passed two laws, — the one for the establishment of regulations with regard to contracts, and the other referring to the subject of vagrancy, — in conformity with the Orders in Council which have been sent out there?

Mr. LABOUCHERE. — I have great satisfaction in stating, that information has been received from Tobago, that the Legislature of that colony has passed laws on the subject of vagrancy and contracts in exact conformity with the Orders in Council. Also, in the Island of St. Vincent, a law on the subject of contracts, in exact conformity with the Order in Council, has been passed by the Legislature.

FACTORY BILL.

LORD ASHLEY. — I wish to ask the Noble Lord the Secretary for the Home Department, what course he intends to pursue with respect to the Factory Bill? In consequence of the numerous delays which have taken place from February to July, all the parties interested have left London, and I shall be obliged to write to them that they may be in town on that day.

LORD JOHN RUSSELL. — Sir, I have certainly stated, in the face of the House, that the Factory Bill would take precedence of the other Orders on Monday next; and I have only to repeat that notification.

HOSTILITIES IN THE EAST.

Mr. HUME. — I beg to ask the Noble Lord the Secretary for the Foreign Department, whether, after the news which has been received to-day from the East, of hostilities having commenced there, he would have any objection to lay before the House the treaty or convention made on the 20th of April, 1833, between the Pacha of Egypt and the Porte?

VISCOUNT PALMERSTON. — The Government has received no information that hostilities have actually commenced, although the communications received afford considerable grounds for apprehension. There has been no formal treaty or convention, but merely an arrangement, entered into between the Sultan and the Pacha of Egypt, by which the Sultan undertook to nominate Mehemet Ali governor of certain Pachalicks, the execution of which was not guaranteed by any written document, and which has merely been fulfilled, hitherto, by the annual appointment of Pachas. With regard to the publication of the despatches received by the Government at the time, I see no objection to a selection from them being produced; and I will look through them, with a view to satisfying the wish of the Honourable Member.

SUPPLY — EDUCATION.

LORD JOHN RUSSELL. — I beg to ask the Right Honourable Baronet opposite, whether he intends to take the sense of the House upon the Report of the Committee of Supply on the vote of money for the purposes of education?

SIR R. PEEL. — Sir, I intended to have given a reply to this question yesterday, had it not been for the accidental circumstance of a House not being formed. I will now state that, as I believe the House considers the subject to have been exhausted in point of debate, — and as the question upon the Report will be identically the same with that which has been decided in committee, — and as I have ascertained that every Member of the House has expressed his opinion upon the subject, except twenty-four, — I deem it unnecessary to trouble the House by another division. I do not, therefore, propose t

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take the sense of the House on the Report; and I have no objection to its being received now, if the Noble Lord should think fit to bring it forward.

LORD J. RUSSELL. — Then, Sir, I move that the Report be now received.

Mr. F. BARING having brought up the Report, the resolution was read a first time.

SIR EARDLEY WILMOT. — Sir, I wish, with the permission of the House, to say a few words, — not on the question actually before the House, but on a subject connected with education. The Noble Lord is, no doubt, aware, from the Reports of the Charity Commissioners, what immense funds applicable to the purposes of education there are, arising out of the foundations of the grammar schools all over England; that, in fact, there is scarcely a village or town without its endowed grammar school, with extensive foundations, almost wholly useless and inoperative. I would mention the case of a town in the district in which I reside, where the master of the grammar school has a salary and emoluments amounting to near 400*l.* per annum; but where, in consequence of its being a grammar school (in accordance with a decision of the Lord Chancellor), Latin only is taught. Instead of this gentleman having a number of pupils from the town, he has only one, who stutters so abominably that nobody can understand him, and two or three sons of neighbouring gentry. In Birmingham, on the other hand, in consequence of an order having been obtained from the Lord Chancellor, enabling the trustees of the grammar school to apply a portion of the funds to the purposes of general education, the whole funds are not devoted to one master, but 2000*l.* or 3000*l.* a-year are applied to the payment of numerous masters, who instruct the pupils in the different branches of general education. In reference to the general condition of these grammar schools, I would suggest to the Noble Lord to bring in a Bill to enable the trustees to extend the education given in these schools from the present system to a more general one, subject to the fiat of the Lord Chancellor, or any visitors who may be appointed. The result of the introduction of such a measure would be advantageous in the extreme; for, instead of gentlemen, as now, receiving large incomes with nothing to do, the means would be afforded for tradesmen's sons to receive their education gratuitously, — and for every single scholar now educated from the trust funds, there would be hundreds.

LORD JOHN RUSSELL. — Sir, I was, in the course of last year, in communication with the Lord Chancellor on this subject, when a Bill was before the House of Lords which had been introduced by Lord Brougham. That Noble Lord has since turned his attention further to the subject, and has prepared another Bill, which will, in due time, receive the consideration of the Lord Chancellor and the House of Peers. In the mean time, I can assure the Honourable Baronet that the subject will not be lost sight of.

Mr. C. BULLER. — Sir, in my opinion, the country is much indebted to the Honourable Baronet for having called the attention of the House to the fact of such large sums — to an amount almost sufficient for the education of the whole people — being now rendered utterly useless, from their being misapplied. I can state, from the information of a gentleman, one of the Charity Commissioners, who has gone over three parishes in Lincolnshire, inquiring into the funds given specifically for educational purposes, and the funds given for general charitable purposes, that of the latter there is frittered away in shillings and half-crowns, in a manner calculated only to encourage pauperism, enough money to provide, in conjunction with the funds specifically devoted to the purpose, for the education of the whole population of the parishes in question. A similar state of things has been proved, by the inquiries of the commissioners, to exist throughout the kingdom; and surely it ought to be one of the first duties of those who have been so strenuous in their opposition to the present vote, to turn their attention to the state of those charities, with a view to the funds being applied to the better attainment of the object for which they were originally intended.

Mr. BROTHERTON. — I think the suggestion of the Honourable Baronet most important. In addition to what has already fallen from Honourable Members on this subject, I can state that there is a grammar school at Manchester, the funds of which amount to 6000*l.* a-year; but where, up to a late period, there have not been more than 200 scholars, and where, at present, even, in consequence of some new regulations, there are not more than 300. The funds, if properly applied, would be

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sufficient for the education of a great part of the poor of Manchester.

Mr. T. EGERTON.—Sir, the Honourable Member for Salford labours under a very great mistake; he has omitted to state the fact, that the funds of the charity in question were not to be confined to the people of Manchester alone, but were intended to benefit the whole people. The funds have been, for many years, appropriated under an order of a Master in Chancery, according to a scheme approved of by the Lord Chancellor; and there are now two schools in accordance with the design of the testator,—one, a school for classical education; the other, a school open to the whole world, and to which any person may send his child. The Honourable Member is, himself, in Chancery at this moment, in reference to the trusteeship of the charity in question; and it really is rather unfair, while the trustees are acting under the order of a Master in Chancery, that he should come forward and make statements contrary to the facts.

CAPTAIN PECHELL. — Why, Sir, the Honourable Member for Salford need not have gone so far north for an instance of the misapplication of charity funds. The Honourable Member opposite has disputed the facts of the Manchester case; but will he dispute the facts — the villainous facts — of the Great Berkhampstead case; where, according to the Charity Commissioners, there are funds to the extent of 2000*l.* or 3000*l.* a-year for the purpose of education, but not a single scholar? In fact, there is actually a prohibition to have scholars. All the Honourable Member for Salford, whose facts are disputed as regards Manchester, has to do, is, to substitute Berkhampstead for Manchester, and then his observations would apply.

Mr. ALSTON. — Sir, I can add the instance of Willoughby, in Lincolnshire, where there is a master to instruct the children, whose son is the usher to the school, and who has a fine house and emoluments, worth altogether 600*l.* a-year, — but where not a single child belonging to the town or neighbourhood receives a particle of education.

SIR E. SUGDEN. — Sir, I do not rise to prolong this discussion; but I cannot help thinking that it is a most improper course, on occasions of this kind, to bring forward, without notice, cases which cannot either be substantiated or denied, and which are calculated to lead to much unpleasant debate. With reference to what has fallen from the Noble Lord, I must be allowed to express a hope that there is no scheme contemplated of "Commissioners of Education," or of any tribunal of education. There seems to be too great a disposition to fritter away the resources of the country in such schemes. I must, also, object to the ground which seems to have been assumed by the Honourable Member for Liskeard, — that wherever small sums, throughout the country, have been dedicated to purposes of general charity, it is right in the state to take those sums, and merge them into some general fund for the maintenance of some specific object. The Honourable Gentleman's favourite object is education, — he would have such sums applied to that object. The Poor Law Commissioners, on the other hand, call for them in aid of the poor rates. When that claim was set up, I maintained that such sums ought to be applied to the use of the general poor — those who were not entitled to claim from the poor rates; and I certainly shall, on all occasions, object to any such sums being thrown into the poor rates, and managed by the Poor Law Commissioners, because, at present, they afford some mitigation of a law which is, in many respects, oppressive. With regard to the grammar schools, let it not be forgotten that they were established for the sole objects of classical education. The masters now employed have been appointed as classical masters; and to ask them, now, to teach little boys reading and writing, would be the most unreasonable thing in the world. I hope the House will never attempt to break into the original foundations; though, at the same time, I would be far from opposing a proposition to add to the original foundations for the purposes of general education.

SIR R. INGLIS. — Sir, I would object to any attempt to divert, to purposes contrary to those of the original testators, the funds of the grammar schools. I trust that no motives of expediency — (a word which, as applied to political questions, I am most reluctant to use) — will induce this House to interfere with the right of the testator after death, or of an individual in his lifetime, to dispose of his property in whatever way he may think fit.

SIR E. WILMOT. — I wish to explain that the Honourable Baronet has totally mistaken me, if he thinks that I desire to see the charity funds diverted

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entirely from the original intentions of the testators. But those funds have materially increased in most cases; — in some, where the original income was 50*l.*, it has now increased to 5000*l.* Harrow, Rugby, and Birmingham are all free schools; and, in consequence of the largeness of their funds, they have extended their system of education from classical to general education.

SIR R. PEEL. — Sir, I hope the House will remember that it is not fair to enter into such a discussion as this, without notice, — and that, too, when a Bill on the subject is likely to be before the House. There is one circumstance, however, to which I have long desired to draw the attention of the Learned Attorney General. It is, that, as to some of these schools, the trusts are not legally constituted. The expense of 60*l.* or 70*l.* for an application to the Lord Chancellor to legalise the trusts, in many cases, acts as a prohibition, where the funds are small. If, in cases where there is no dispute, some summary form could be resorted to by which the trustees could be legally constituted, it would be greatly advantageous. I know of two or three schools in the country where there are no trustees, and where the funds are too small to bear the costs of an application to the Lord Chancellor.

LORD JOHN RUSSELL. — Sir, I perfectly agree with the Right Honourable Baronet, in thinking that the point to which he has referred is one as to which an improvement might be made; and I will consult my Honourable and Learned Friend the Attorney General as to how it can be best effected. The subject of the charities dedicated to the purpose of education is one of the largest, the most important, and most difficult questions, to which the attention of the House could be given: it is one on which I would always be much disposed to hear the opinions of others: especially, I shall always be glad to hear the opinion of the Right Honourable and Learned Member for Ripon, who, besides his great knowledge of the subject, has attended, at my request, on the Charity Commission. There is a great difficulty involved in the question, — not only as to the persons in whom the authority should be placed, but also as to how far the will of the founders should be observed, or how departed from, in accordance with the changed opinions and circumstances of the times. On the one hand, it is difficult to resolve, absolutely, to break through the will of the founder, and do, at once, that which now seems most beneficial; nor, on the other hand, would it be always wise to follow, literally and slavishly, as the Honourable Baronet the Member for Oxford University seems disposed to do, the will of the founder, however inadequate it might be, now, to attain the declared object. Indeed, I scarcely think the Honourable Baronet, himself, would wish to carry out his principle in all cases; or, what would become of those wills by which large sums were left to certain colleges of the University of Oxford, with the express directions that masses shoulbe said for the should of the dead donor? Yet, these bequests are as well worthy of being observed — (unless altered in accordance with the opinions and different wants of the time) — as any others.

SIR ROBERT INGLIS. — If my Noble Friend is prepared to bring in a Bill to repeal an Act introduced some three centuries ago by a certain Lord Russell, by which the saying of masses for the dead was declared to be unlawful, — then, and not till then, I will be prepared to adhere, in the cases referred to by the Noble Lord, to the precise terms of the bequests of the testators.

Resolution reported: —

That a sum, not exceeding 30,000*l.*, be granted to her Majesty, for public education in Great Britain, in the year 1839.

Resolution agreed to.

RETURN.

Yeomanry. — Return presented — of the number of troops or corps of effective yeomanry iu Great Britain and Ireland (ordered 4th of June). — To lie on the table.

SALE OF BEER BILL.

The following petitions on this subject were severally presented, and ordered to lie on the table; namely, —

For placing retailers of beer upon the same footing with licensed victuallers, — from Hertford; Southwark; Birmingham (two petitions); Middlesex; *metropolis*; Portsmouth (two petitions); Southwark and Lambeth; Rochdale; Huddersfield; Brixton; Tower Hamlets, &c.; and Reading.

For amendment, — from Greenwich; Brixton, Southwark, and Lambeth; Coventry; Bristol; Bolton; Tamworth;

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London; New Shoreham; Horncastle; Liverpool; and St. Helen's.

Against, — from Reading; Bristol; Wyberton; Bury; Wrangle; Bicker; Heckington; Abingdon; Cambridge; Ely; Suffolk; Leak; Sibsey; Butterwick; Stockport; and Thomas Legge.

Order for committee read; motion made, and question proposed, "That Mr. Speaker do now leave the chair."

Mr. HUME. — Sir, I rise for the purpose of opposing the further progress of the measure. I object to the constant meddling with this question, that has gone on since the introduction of the Bill of the Right Honourable Gentleman opposite. When the Honourable Gentleman who introduced this Bill was called on to make out a case in support of it, he was obliged to confess that the opposition to it had been mainly aroused by his own circulars distributed through the country on the subject, in which he denounced the beer-shops as productive of immorality. I have moved for and obtained Returns on the subject, which show that a greater degree of regularity has prevailed in these beer-shops than in the houses of the licensed victuallers. Those Returns relate to the number of charges of theft, robbery, and other offences, made during a given period against the beer-shops and public houses respectively; and it appears from them that the beer-shop keepers are the really innocent parties, and the licensed vicuallers those who are guilty in a tenfold degree. It appears that, in 1835, there were 29 convictions for adulterating beer, — of which 20 were convictions of licensed victuallers, and 9, only, of beer-shop keepers. In 1836, the convictions were 146, — 144 of licensed victuallers, and but 2 of beer-shop keepers. In 1837, the convictions were 48; or of licensed victuallers 47, and of beer-shop keepers only 1. So much for the different degrees of offence with regard to the adulteration of beer. The Returns also present an account of similar offences in London from 1830, when the Bill passed. In 1830, there were 123 licensed victuallers summoned; of whom 109 were convicted, and 14 dismissed. In the same year, 4 beer-shop keepers only were summoned, and the cases were all dismissed. In 1831, 155 licensed victuallers were summoned; of whom 143 were convicted, and 12 dismissed. In the same year, 10 beer-shop keepers, only, were convicted. I will pass over the intermediate years, which present the same general results, and give the Return of the last three years. In 1839, 357 licensed victuallers were summoned; of whom 333 were convicted, and 24 dismissed. In the same year, 194 beer-shop keepers were summoned, — nearly half of them having, in some trifling degree, kept open beyond the hours. In 1837, 546 licensed victuallers were summoned, and 519 convicted, — the remaining 27 cases being dismissed. In the same year, 241 beer-sellers were summoned, and 217 convicted, — 24 cases being dismissed. In 1838, 655 licensed victuallers were summoned, 603 convicted, and 52 dismissed. In the same year, there were 349 beer-shop keepers summoned, and 320 convicted, — 29 being dismissed. The majority of these convictions, however, were for the most trifling offences. The result of the whole is, that 2519 licensed victuallers have been convicted before the magistrates, and 1008 beer-shop keepers only. According to these facts, the Honourable Gentleman has certainly not made out his case against the existing law. Why should this perpetual meddling continue? There is no security for the large amount of property invested in these beer-shops. I cannot see, also, why the beer-shops and the public houses should not be put on the same footing as to hours. Why should the beer-shops be closed, and the gin-shops be allowed to remain open? For every one man made violent by drinking beer, there are ten made so by spirits. I therefore propose to leave out from the word "That" to the end of the question, in order to add the words "this House will, upon this day six months, resolve itself into the said committee," instead thereof.

Mr. A. SANFORD. — Sir, I think that Honourable Members, who merely draw their deductions from Returns, cannot form so accurate an opinion of the working of the law, as those who have the opportunity of witnessing its actual operation on the morals of the people. The necessity for some restriction on the sale of beer and spirits was seen by the Legislature as early as the year 1494, when a right of restriction was given to the magistrates. In 1552, the licensing system was established; and, since that period, still more stringent regulations have been adopted. If necessary at that time, how much more so are they in the present day, with a population so vastly increased? I think the Honourable Member for Droitwich is fully justified in bringing forward the present measure; and I therefore trust

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the House will concur in the motion, "That the Speaker do now leave the chair."

LORD VISCOUNT DUNGANNON. — Sir, I never listened to a more monstrous proposition than that of the Honourable Member for Kilkenny, for stopping the progress of this Bill. The Returns alluded to by the Honourable Gentleman furnish no criterion of the real state of things throughout the country, — being merely confined to London. The number of convictions of beer-shop keepers is considerably greater than has been described. In proof of this, I would refer to the town of Liverpool, with respect to which place we have the Returns made out in detail. In that town, there were, in 1831, 80 convictions of public-houses, and 160 beer-houses; in 1832, 82 public-houses, 81 beer-houses; in 1833, 88 public houses, 77 beer-houses; in 1834, 67 public houses, 179 beer-houses; in 1835, 193 public houses, 312 beer-houses; in 1836, 83 public houses, 135 beer-houses; in 1837, 37 public houses, 72 beer-houses; and all this in the single town of Liverpool. With regard to the respectability of the beer-shop keepers, I would only say that I am satisfied that, if inquiry were made of the clergy, the magistrates, or resident gentry, it would be found that the great demoralisation that prevails throughout so many districts, is mainly to be attributed to the existence of these beer-shops. I trust that the House will reject, by an immense majority, the amendment of the Honourable Member for Kilkenny, — for no greater evil has ever been inflicted on the country than the establishment of these beer-shops; and my Honourable Friend the Member for Droitwich is entitled to the thanks of the country for having brought forward this Bill.

The CHANCELLOR of the EXCHEQUER. — Sir, I am not prepared to support the amendment of the Honourable Member for Kilkenny, by which we should refuse to go into the consideration of the Bill. The arguments of my Honourable Friend should rather have been directed against the second reading of the Bill, than adduced in its present stage, — and, above all, after the understanding that was come to when it was last before the House. When the Bill was read a second time, I took that opportunity of stating, that, on going into committee, I should endeavour to induce the House to assimilate and equalise as much as possible the laws respecting licensed victuallers and beer-shop keepers. If I fail in my attempt to do this, I shall join with my Honourable Friend in voting against the Bill on the Report on the third reading. What is the state of the public opinion on this subject? It appears, by the Returns on the table, that 77 petitions have been presented for the total repeal of the Beer Act, and these were signed by 6420 persons; against the repeal, simply, 9 petitions have been presented, signed by 20,757 persons. But, for carrying into effect the principles for which I contend, — namely, for equalising the law between the licensed victuallers and beer-shop keepers, — I find that, independent of the numerous petitions presented this evening, petitions have been presented signed by 248,000. I trust, therefore, that Honourable Gentlemen will allow the House to go into committee with this object. In taking this view of the subject, I entirely repudiate the doctrines of the Noble Lord; for, if they be correct, the House ought not to be satisfied with the Bill of the Honourable Member for Droitwich, but should insist on the total repeal of the Act of 1830. It is a most mistaken notion to suppose that there is but little capital employed in this trade; on the contrary, I have Returns before me which show that the amount invested in it, in many places, is very great. With respect to the amount of capital invested in beer-shops, the House will hardly believe that so much as 4000*l.* has been expended on one establishment. I have another Return of 360 beer-houses, the total rental of which amounts to 8256*l.* a-year, and the capital invested to 74,210*l.* I will now give the Noble Lord (Lord Dungannon) some further information. There is one beer-shop at Mile End, the lease of which cost 1500*l.*, and the fixtures 1325*l.* In another, there is capital invested to the amount of 600*l.*

LORD DUNGANNON. — I was alluding to the agricultural districts.

The CHANCELLOR of the EXCHEQUER. — The Noble Lord entered into the whole case, and I cannot, now, allow him to back out of his argument. Another thing to be considered, in discussing this question, is, the number of breweries the beer-shops have called into action. Before the passing of the Beer *Bill*, the number of brewers of strong beer in this country was 27,161. In the year 1830, immediately after the passing of that Act, they increased to 36,281; in the next year, to 42,966; and, in the following year, to 43,087. I hope the Gentlemen interested in land will not let these facts pass unnoticed. I hold in my hand another Return to which I beg the particular attention of the House. There is nothing more usually said, than that in pub-

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lic houses there are large investments of capital, and that beer-shops are poor. Now, I have called for a Return from the Board of Excise, containing a valuation of all the public houses and beer-shops. By this Return, it appears that there are 55,513 public houses and 36,054 beer-shops. Of the former, 18,379 are of a less annual value than 10*l.* a-year. Of the beer-shops there are, of value under 5*l.*, 1858; and above 5*l.*, 34,196. To this should be added, that the licence is included in the valuation of the public houses, while there is no such item in the value of the beer-shops. These Returns present a very different result from the exaggerated statements of the opponents of the beer-shops.

I am prepared to say that, on the general principle, the trade in beer ought to be perfectly free; and any restrictions, of course, break in upon that principle, saving such only as are matters of police. It has been admitted that some inconvenience has occasionally arisen, in small places, from the beer-shops; but this fact is rather to be attributed to the deficient police that exists in these places; and the deputation of the trade that waited on me, told me that they would willingly submit to any regulations on the subject that might be deemed necessary or expedient. I have now shown to demonstration, that the contrast which has been drawn between the position of one class and that of another is perfectly delusive: and now comes that very important question with respect to the increase of crime; and here I must be permitted to say that the assertions of the Honourable Gentleman on this head are just as gratuitous and unfounded as his other allegations. In the first place, the Honourable Gentleman has failed to prove that crime has increased; and in the second, that if it has increased, that increase is attributable to the beer-shops; — and failing to prove these two points, the Honourable Gentleman's observations become wholly inapplicable to the subject. Now, with respect to the increase of crime, tables have been prepared at the Home Office, the accuracy of which there is no reason to doubt. But before I state the general conclusions which I deduce from those tables, let me state to the House that the increase in the number of cases cannot be taken as indisputable proof of an increase of crime, — simply because a better system of police affords greater facilities for the detection of offenders. You have, now, in almost every town in the country, an improved system of police; and if this fact be taken into consideration, it will be clear that this greater number of commitments cannot be viewed as evidence of the increase of crime. Besides, since the year 1834, there have been introduced into the criminal Returns three or four large classes of offences never included before, — such as riots, common assaults, and breaches of the peace, — thus showing an apparent, but certainly not an actual, increase in the total number. Thus, it by no means follows that there has been a general increase of crime, even if the Returns show a greater number of convictions, after the passing of the Beer Act, than appears to have taken place, previously, in equal periods of time. But what are the facts as they appear upon these tables? I will take four years before the passing of the Act, and four years afterwards. In the period from 1826 to 1829 inclusive, the average ratio of increase of crime had been 7½ per cent. in England and Wales. What was the ratio of increase in the four years after the passing of the Act? Why, 2½ per cent. only. What become, then, of the allegations that there has been a vast resulting increase of crime? It is, however, said, that although the total amount of crime may not have increased, there has been an augmentation in the agricultural districts; and to listen to the opponents of the Beer Act, one would imagine that the offences of sheep-stealing and poaching had never been heard of until the opening of beer-shops. Now, it appears from the same Return to which I have referred, that in twenty of the largest agricultural counties, there has been, since the passing of the Beer Act, a great diminution in the number of convictions for cattle-stealing and sheep-stealing, and also for cutting and maiming cattle, and that the number of convictions for offences against the game laws has decreased 45 per cent. This is the evidence of a statistical Return, showing the state of crime in the country; yet it is in defiance of facts like these, that the prevalence of crime is attributed to the Beer Act. I think it is unnecessary for me to trespass upon the time of the House by producing further evidence. I do not mean to deny that these offences exist; — I know very well that, under any system, crime will always be more or less connected with the consumption of intoxicating liquors. It is in houses of public entertainment that people congregate; and it is in places where people congregate that criminal designs are concocted, and criminal confederations are held. But can you trace all this particularly to the beer-shops? I say it is impossible. It is well known that, before these beer-houses were instituted, there was a general outcry against the public houses, as being the source of crime; and this outcry is

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transferred to the beer-shops, and it is said that outrage and crime are concocted in them. Now, for my own part, — but, at the same time, without lending myself, in the least degree, to the casting of imputations upon any class of persons whatever, — I feel disposed, in common with the Honourable Member for Kilkenny, to ask the question, which of the two descriptions of houses may be reasonably considered the most efficacious agent for crime — that in which ardent spirits are sold, or that established for the sale of beer only? Certain it is, that it is the argument of all writers, whether on Medical Science or on Statistics, that ardent spirits are the most powerful promoters of crime. Moralists, also, are of that opinion; and, indeed, such is the general feeling. One of the greatest moral instructors whom this country has ever produced, — namely, Hogarth, — has furnished an admirable illustration of this notion, in his two celebrated pictures of "Beer Street," and "Gin Lane." I would entreat the House to approach this subject with the most serious deliberation. If there be one thing more calculated, than another, to lessen the House in the opinion of the country, it is vacillation and a want of consistency in its legislation. The interest now in question was created under a well-considered and thoroughly debated measure, and after full inquiry, — and the very points, at present, more particularly raised, were urged then; evidence was taken on the subject, — and that evidence supported the passing of the measure, and negatived the assertions which were then, and are now, made. The measure was passed, and it was one of the boldest and best financial reforms which ever took place in this country, — and the Government which carried it through merited the best thanks of the country. The question was again discussed in 1834. A committee sat on the subject — evidence was taken — and the House legislated retrictively upon it, — but not to the effect which the Honourable Member now proposes, and still less to the effect of destroying the trade. If, after all this, its provisions are to be rescinded, how can the House expect that any reliance will be placed upon its own proceedings? or that people will be induced to embark their capital upon the faith of any legislative enactment? I shall vote for going into committee, for the purpose of proposing my amendments; and if I do not succeed in inducing the committee to adopt them, I shall certainly oppose the third reading of the Bill. I do trust the House will not impair its character with the country by the injustice and inconsistency of destroying an interest which it has only just raised.

LORD VISCOUNT DUNGANNON. — I think it necessary to state, by way of explanation, that I never alluded to the capital invested in the beer trade, nor did I state that crime was on the increase. I said that beer-houses were the resort of those who concocted crime, — and in that assertion I am borne out by experience.

LORD ELIOT. — I shall vote for going into committee; but I think the most effectual way of remedying the evils complained of, would be, to place these beer-houses under the control of an improved system of police. I cannot help protesting against the principle which appears so generally put forward on this question — of making property a test of respectability. It reminds me of the theory of one of the witnesses on Thurtell's trial, who tested the respectability of one of the accomplices by his capability of keeping a gig.

Mr. WARBURTON. — I must say I think the Returns referred to by the Right Honourable Gentleman the Chancellor of the Exchequer are most satisfactory. It ought, also, to be remembered, that whenever beer-sellers exceed the hour prescribed by the Act for keeping their houses open, they fall under a description of offence from which licensed victuallers are exempt; and that therefore the number of convictions of these different classes of individuals does not offer any criterion, for instituting a fair comparison of the mischiefs arising from the two sorts of establishments.

MAJOR WOOD. — I am anxious to correct an error which the Right Honourable Gentleman the Chancellor of the Exchequer has fallen into. The number of licensed victuallers, in London, is 4300; and of beer-sellers, 1561. The disproportion in numbers being so great, how can the statements of the Right Honourable Gentleman, as to the relative proportion of convictions in each class, be applicable to the case?

LORD WORSLEY. — The Right Honourable Gentleman the Chancellor of the Exchequer has said that offences against the Game Act have diminished, since the Beer Act, 45 per cent. Now, I am sorry to be obliged to contradict the Right Honourable Gentleman on this point; for I have recently heard very many complaints of the prevalence of this species of offences. With respect to the beer-shops, I must say that the farmers exclaim loudly against them, and declare that their labourers and

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servants become debauched and drunkards by frequenting them. Perhaps this Bill may remedy some of the existing evils to a small extent; but I am of opinion, that until you get a good and efficient constabulary force established, you will do no good. I may add, that, in consequence of the establishment of these beer-shops, publicans, whose houses were formerly conducted in an orderly and creditable manner, are now obliged, in self-defence, to receive that class of persons who are said to frequent beer-shops.

Mr. PAKINGTON.—Sir, I shall detain the House but a short time in replying to some of the objections which have been urged against the present measure. In the first place, it has been observed by the Honourable Member for Kilkenny, that no case for it has been made out. That statement I deny; and I ask the House whether the large number of petitions praying for an alteration of the Beer Act, do not constitute a justification of the introduction of the present Bill? The number of petitioners amounts to between 100,000 and 200,000; and the petitions come from thirty-one counties, signed almost unanimously by the magistrates, and from thirty populous towns. Allusion has been made to the error of supposing that the capital embarked in the new beer trade is little or none. All I can say is, that I never gave utterance to such an opinion, though I do believe that the amount of the capital has been greatly exaggerated; and I know that it is very unequally distributed. There is a large number of beer-shops, for instance, where little or no capital has been embarked, and where a few shillings would cover all the outlay. I have been accused of attacking beer-shops, and passing by the spirit-houses. I can conscientiously assure the House that there is no man more ready than I to put down the spirit-houses, and all the dreadful vices connected with them; but is it an argument worth attention, that, because the spirit-houses exist, therefore no attempt should be made to remedy the evils flowing from the present law with regard to beer-shops? But it is denied that beer-shops lead to the commission of crime. On this subject I would direct the attention of Honourable Members to the confessions of men dying on the scaffold.

[Cries of "Oh, oh!"]

I really do not understand why the statements of men made under such circumstances should be treated with derision. I can inform the House that, since the second reading of the Bill, a man was executed at Chelmsford for an atrocious murder; and he made a confession, in which he traced the origin of his miserable fate to the bad habits he had acquired in beer-shops. I have also received reports from chaplains of gaols, and documents of the strongest character from clergymen in various parts of the country, all proving the pernicious effects of the beer-shops under the existing law. Under these circumstances, I think I have made out a sufficient case to justify this House in proceeding with the measure.

Mr. MARK PHILIPS.—I beg, now, to say what I expressed last Session,—that, if we had been permitted to have a select committee to inquire into all the allegations on both sides, we might, now, have had a great deal of valuable evidence on this subject, and we should have possessed proper information and grounds whereon to legislate, before we were called upon to support or oppose this Bill. With regard to the lower class of beer-houses in the country, I am satisfied that some enactment is necessary, and I am ready to go into committee on this Bill. I hope the Honourable Member for Kilkenny will not oppose the Honourable Member for Droitwich, on this occasion, by pressing his motion.

Mr. HUME.—In accordance with the suggestion of my Honourable Friends near me, and with what appears to be the sense of the House, I beg leave to withdraw my amendment,—but on the understanding, that if the Bill cannot be shaped to meet the views I have expressed, we shall be at liberty to vote for rejecting it entirely.

Motion, by leave, withdrawn.

The House then resolved itself into a committee on the Bill.

The CHANCELLOR of the EXCHEQUER.—As the motion which the Noble Lord opposite, the Member for Liverpool, is about to bring forward, will involve an alteration at the very outset of the Bill, I beg to suggest that this will be the most convenient time for him to propose it.

LORD VISCOUNT SANDON.—I agree with the Right Honourable Gentleman that that would be the better course, and I will therefore, at once, put my amendment. Before doing so, however, I beg leave to direct the attention of the

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House to a petition I had the honour to present from Liverpool, representing the evils of the beer-houses, and signed by the clergy, merchants, bankers, and most respectable inhabitants of that town. That petition, I may add, was also signed by sixteen Roman Catholic priests; and I am sure the House will agree with me, that there are no persons better calculated to judge of the situation of the lower orders. I believe I may say that the feeling against these beer-houses has extended itself to every class in the community, and I need not take up the time of the committee by entering at any length upon the mass of evidence that has been obtained of their demoralising effects. Mr. Thomas, the constable of Manchester, has given it as his opinion, that the beer-shops are the source of a great deal of crime, and that they hold out encouragement and facilities for a large consumption of illicit spirits; and we have it likewise in evidence, that many of these houses are kept by the worst characters, as well as being the resort of them. I need only refer to the various presentments of the grand juries of Essex, Dorset, Liverpool, Surrey, Hants, the Western circuit, and others, — all uniting in one common opinion, that the demoralising effects resulting from the consumption of beer on the premises still continue. My Right Honourable Friend, the Chancellor of the Exchequer, was exceedingly pathetic on the subject of the different consequences produced by the consumption of beer and ardent spirits; and he charged all those who desire to put down beer-houses, with a tendency, if not a design, to encourage the use of the latter. This I deny; and I would ask, because evil may exist in the one case, is that a reason why you should not correct the evils of the other? In the first place, the owners of public houses, for the purpose of maintaining a competition with the beer-shop keepers, are tempted to spread out every attraction in their power; and they have erected those splendid gin-shops which meet the eye in every populous quarter. Moreover, I say that the consumption of spirits is positively encouraged by the present system of beer-houses, for it is notorious that they are the receptacles of illicitly distilled spirits. My Right Honourable Friend also evinced a disposition to discourage the Gentlemen connected with the landed interest from taking an active part in this question, by alarming them on the score of a decreased consumption of barley, in case the attempts to put down these beer-shops should succeed; and he has endeavoured to quench their better feelings by an appeal to their pecuniary interest. I cannot say I think that was a very worthy appeal, and I am certain it was one which can never operate upon the minds of those Gentlemen so as to influence them in the discharge of their public duties. I will, now, only add, that I believe it is the opinion of every magistrate in the country, that the only cure for the evils of these beer-houses is to make them shops for the sale of beer, only, and to prohibit its consumption upon the premises. This would answer every legitimate purpose of supplying the poor man with a wholesome beverage at a moderate price. I do not wish to trouble the House further; — I believe that I only represent the feeling of the greatest part of those gentlemen who are best and most practically acquainted with the operation of the law in this respect; — and I beg, now, Sir, to move the introduction of the following clause: — "That from and after the commencement of the Act, it shall be lawful for the Commissioners of Excise, or other persons duly authorised, to grant a licence for the sale of beer, ale, porter, cider, and perry, under the authority of the said recited Act (the former Beer Act), to any person applying for the same; but that such licence shall not authorise the sale of beer, &c. to be drunk or consumed in the house of the person specified in the licence."

Clause, for the present, postponed.

Clause 1. "Persons applying for license to produce certificate, signed by the overseer of the parish, that the house or premises are rated to the relief of the poor at the sum of , at the least."

On this clause being put, —

Mr. PAKINGTON said: — I move that the blank be filled up with "ten pounds."

The CHANCELLOR of the EXCHEQUER. — I object to this clause; and the substitution I shall propose, if the committee agree to my amendments, is this, — "That no licence to sell beer or cider by retail, to be drank or consumed on the premises, under the said recited Act or this Act, shall be granted to any person who shall not be the real resident holder and occupier of the dwelling house in which he shall apply to be licensed, nor shall any such licence be granted in respect of any dwelling house which shall not, with the premises occupied therewith, be rated to the poor on a rent or

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annual value of fifteen pounds per annum, at the least, if situated in the cities of London or Westminster, or within any parish or place within the bills of mortality, or of ten pounds, at the least, if situate in any city or town corporate, the population of which, according to the last parliamentary census, shall exceed five thousand, or situated within one mile, by the nearest public street or path, from the place used at the last election as the place of election or polling place of any town having the like population, and returning a Member or Members of Parliament, or of five pounds per annum if situated elsewhere; and every licence granted contrary hereto shall be null and void."

Mr. WARBURTON. — I must decidedly oppose the 10*l.* rating, as being contrary to the principles of free trade.

Mr. W. MILES. — I am bound to say, after what I have heard on this subject, that, looking at the amount of capital embarked in this beer trade, it would be by no means just or fair to overturn that trade, notwithstanding the licensed victuallers had ample reason to complain that their property was deteriorated when the Beer Bill was passed. I would suggest to my Honourable Friend to give way to the Chancellor of the Exchequer, after having heard the details into which the Right Honourable Gentleman entered. I have some doubt as to the expediency of so low a rating, for some parts of the country, as the Right Honourable Gentleman has fixed; but I think he has good grounds for his clauses generally, for no doubt the Right Honourable Gentleman has some *data* with which I am unacquainted, to guide him in this matter. I am, at present, however, disposed to think that a rating between 5*l.* and 10*l.* would be expedient in some of the rural districts — say 6*l.* or 7*l.*

CAPTAIN PECHELL. — I have always been, and shall be, anxious to protect the licensed victuallers; but I cannot support them to the detriment of any other class. I trust the House will stick to the 5*l.*, which, in my opinion, is high enough.

The CHANCELLOR of the EXCHEQUER. — I must say, with respect to the proposal of an alteration in the rating, that I have considered the matter dispassionately; and I do not think I should act justly if I consented to any compromise of the proposition which I have submitted to the House.

SIR E. KNATCHBULL. — I am of opinion that any legislative measure on this subject ought to have been introduced by the Government; and I think the propositions of the Chancellor of the Exchequer, if they were adopted, would be a great point gained.

Mr. SLANEY. — The country owes a deep debt of gratitude to the Honourable Gentleman who brought forward this Bill; but, on the whole, I think it would be wise to adopt the recommendations of the Government. If the Honourable Member will do so, a great practical point will be gained.

Mr. PAKINGTON. — I have been all along deeply impressed with the necessity for legislation respecting the beer-shops; and having taken up the subject at an early part of the Session, and from the most disinterested motives, I must say I cannot abandon the measure which I have brought forward,—at least, till the House shall have, by a division, expressed its opinion upon it. I cannot consent to adopt the non-consumption clause which has been proposed by the Noble Lord near me; neither can I agree to the scale of 5*l.*, 10*l.*, and 15*l.*, which has been recommended by the Right Honourable Gentleman the Chancellor of the Exchequer. The non-consumption clause would certainly diminish the number of beer-shops, — but it would take away the best class, and leave the worst remaining. I shall, therefore, if the clause be pressed to a division, vote against it. By the scale proposed by the Chancellor of the Exchequer, 15*l.* is to be the rate for the metropolis; and I must say, I think that proposal is unfair,— for the beer-shops in the metropolis are the least objectionable of all, and yet they are to be rated highest. If I cannot secure the principle that no House shall be licensed as a house of entertainment, unless it be of the annual value of 10*l.*, I would rather abandon the Bill altogether.

SIR R. H. INGLIS. — The committee is placed in an extraordinary position by the proposition of the Chancellor of the Exchequer. The Right Honourable Gentleman has brought in what he calls clauses, in a way for which, I believe, there is no precedent. The Bill of my Honourable Friend consists of a few clauses; and what my Right Honourable Friend the Chancellor of the Exchequer has introduced under the humble name of "clauses," is, in fact, a Bill three times as long as that of my Honourable

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Friend; and it really seems rather unfair to my Honourable Friend to take that course. I hope my Honourable Friend will not abandon his original determination.

The CHANCELLOR of the EXCHEQUER.—I must be allowed to say one word before the division. I certainly gave due notice to the Honourable Gentleman, when he brought in this Bill, that I was not unprepared to make alterations in the present beer laws; and I told the Honourable Gentlemen what were the points on which I differed from him. I also had all my clauses printed, that it might not be said that I opposed the Bill without being ready to furnish a substitute. If the proposition of the Honourable Gentleman were adopted, it would crush beer-houses in many places altogether, while it would open the door to the illegal sale of beer.

SIR C. BURRELL.—I am quite certain that the capital so much talked about, does not, in many cases, belong, *bonâ fide*, to the beer-sellers themselves.

Mr. PARROTT.—For my own part, I think the Beer Act one of the best measures that has been adopted in my time; and Honourable Members who support this Bill seem to look rather at the few evils which are said to have arisen under the present system, than at the many benefits it confers on the labouring population.

The committee then divided upon the question, "That the blank be filled up with the word 'ten:'"—Ayes 76; Noes 103;—Majority 27.

AYES.

Bagge, W.	Grimsditch, T.
Baker, E.	Halford, H.
Bentinck, Lord G.	Heathcote, Sir W.
Bethell, R.	Hector, C. J.
Broadley, H.	Heneage, G. W.
Bruges, W. H. L.	Hodges, T. L.
Buck, L. W.	Hope, Hon. C.
Burrell, Sir C.	Hope, G. W.
Chetwynd, Major	Hughes, W. B.
Clerk, Sir G.	Hurt, F.
Codrington, C. W.	Inglis, Sir R. H.
Cole, Lord Visct.	Irton, S.
Darlington, Earl of	Irving, J.
Dungannon, Lord Vt.	Jermyn, Earl
Du Pre, G.	Kemble, H.
Eastnor, Lord Visct.	Knatchbull, Rt. Hon. Sir E.
Egerton, W. T.	Knight, H. G.
Egerton, Sir P.	Lascelles, Hon. W. S.
Estcourt, T. (Dev.)	Liddell, Hon. H. T.
Evans, W.	Lowther, Hon. Colonel
Fellowes, E.	Lowther, J. H.
Filmer, Sir E.	Lygon, Hon. General
Fleming, J.	Mackenzie, T.
Gore, O. J. R.	Mackinnon, W. A.
Gore, O. W.	Manners, Lord C. S.
Greene, T.	Marton, G
	Miles, W.
	Miles, P. W. S.
	Noel, Hon. W. M.
	Packe, C. W.
	Palmer, R.
	Plumptre, J. P.
	Polhill, F.
	Pusey, P.
	Rolleston, L.
	Rushout, G.
	Sandon, Lord Visct.
	Sanford, E. A.
	Shaw, Right Hon. F.
	Shirley, E. J.
	Teignmouth, Lord
	Vere, Sir C. B.
	Verner, Colonel
	Waddington, H. S.
	Walker, R.
	Welby, G. E.
	Williams, W. A.
	Wodehouse, E.
	Worsley, Lord
	Tellers.
	Pakington, J. S.
	Rushbrooke, Colonel

NOES.

Aglionby, H. A.	Morris, D.
Alcock, T.	Murray, A.
Alston, R.	Muskett, G. A.
Attwood, T. (Birm.)	O'Connell, John
Baines, E.	O'Connell, M. J.
Barnard, E. G.	Palmer, C. F.
Benett, J.	Parker, J.
Bewes, T.	Parnell, Rt. Hn. Sir H.
Blake, W. J.	Parrott, J.
Bodkin, J. J.	Pechell, Captain
Bowes, J.	Philips, M.
Briscoe, J. I.	Pryme, G.
Brocklehurst, J.	Rice, E. R.
Brotherton, J.	Rice, Rt. Hon. T. S.
Bulwer, Sir L.	Rickford, W.
Burroughes, H. N.	Roche, Sir D.
Busfeild, W.	Rolfe, Sir R. M.
Cayley, E. S.	Rundle, J.
Clay, W.	Russell, Lord J.
Collier, J.	Salwey, Colonel
Collins, W.	Scholefield, J.
Dashwood, G. H.	Scrope, G. P.
Douglas, Sir C. E.	Slaney, R. A.
Duke, Sir J.	Smith, B.
Ellis, W.	Stansfield, W. R. C.
Evans, G.	Stock, Dr.
Ewart, W.	Strickland, Sir G.
Fazakerley, J. N.	Strutt, E.
Fenton, J.	Sugden, Rt. Hn. Sir E.
Finch, F.	Tancred, H. W.
Fleetwood, Sir P. H.	Thornely, T.
Gibson, T. M.	Townley, R. G.
Gillon, W. D.	Troubridge, Sir E. T.
Goulburn, Right Hon. H.	Turner, E.
Grey, Rt. Hon. Sir G.	Verney, Sir H.
Hall, Sir B.	Vigors, N. A.
Hawes, B.	Villiers, Hon. C. P.
Hawkins, J. H.	Wallace, R.
Hinde, J. H.	Warburton, H.
Hindley, C.	Ward, H. G.
Hobhouse, T. B.	White, A.
Horsman, E.	Wilde, Mr. Serjeant
Hoskins, K.	Wilkins, W.
Howard, P. H.	Williams, W.
Howick, Lord Visct.	Wilmot, Sir J. E.
Hume, J.	Wilshere, W.
James, W.	Winnington, T. E.
Jervis, J.	Winnington, H. J.
Langdale, Hon. C.	Wood, C.
Lushington, C.	Yates J. A.
Macleod, R.	*Tellers.*
Marsland, H.	Baring, F.
Molesworth, Sir W.	Steuart, R.

The CHANCELLOR of the EXCHEQUER.—If I were, now, to abandon the clauses which I stated I should move by

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way of amendment to this Bill, it might be said that I had been guilty of a breach of faith; but I assure the Honourable Member for Droitwich that I gave my notice with all good faith and sincerity. Had I been opposed to the principle of the Bill, I should not have consented to the second reading. But the question now is, — What course ought we to pursue in order to save trouble to the House? I would suggest that, as the clauses which I have given notice of my intention to propose, as amendments to the Bill, are somewhat long, and cannot very well be discussed, now, perhaps, the best course would be, to move to substitute them for the clauses in the Bill of the Honourable Member opposite; and then for the committee to report progress, and ask leave to sit again, taking the discussion upon them on a future day. I would propose, therefore, if it meet with the approval of the House, that the remaining clauses of the Bill should be put and negatived, for the purpose of introducing my clauses; and then I would move, Sir, that you report progress, and ask leave to sit again.

Mr. CAYLEY. — After what has occurred, I would recommend the Honourable Member for Droitwich to wash his hands of the Bill altogether, and to surrender its future management into the care of the Right Honourable Gentleman. I am favourable to the principle of this Bill, though I opposed the Honourable Member as to the qualification; because, I know that, in many counties, the effect of a 10*l.* qualification would be, to disfranchise every house from being competent to hold a beer licence.

Mr. GOULBURN. — I think the Right Honourable Gentleman has proposed the only course that remains to be taken, under the circumstances. But, so far from thinking that the Honourable Member for Droitwich has exercised an improper discretion in the course which he has adopted, I believe that he has done just that which any Member could, alone, do in a similar case. My Honourable friend conceived that a 10*l.* qualification was necessary; some Honourable Gentlemen thought differently; and a division on the point was most properly taken. The Right Honourable Gentleman the Chancellor of the Exchequer, of course, cannot now go into a discussion of his clauses, — inasmuch as many Honourable Gentlemen, who take an interest in this subject, object to them, and will require time for consideration before they are called upon to pronounce a decided opinion.

Mr. WARBURTON. — I would propose that we should, in the first place, proceed to a rate upon the proposition of the Noble Lord the Member for Liverpool, because that clause would interfere with the principle of the Right Honourable Gentleman's clauses.

Mr. W. MILES. — I shall certainly move, at the proper time, that a 7*l.* qualification be adopted.

Clause 1. was then again put, and negatived: all the remaining clauses of the Bill were severally put, and negatived.

LORD VISCOUNT SANDON. — The object of the clause I have to submit, is, to restore the law as to the sale of beer to the same condition in which it was after the first change that was made in it, — that is, that the Commissioners of Excise shall have the power to grant licences to sell beer, but that it shall not be consumed on the premises. With regard to an objection that has been made as to the amount of money vested in these beer-houses, I would provide for those vested interests in this way, — that all persons now holding licences to sell beer to be consumed on the premises, shall, during good behaviour, continue to hold such licences during their life, and that the privilege should also continue during the lifetime of their widows after them, but that no new licence shall be granted. I beg, now, to submit my clause.

Clause ("Commissioners of Excise may grant licences, but not to authorise the persons obtaining the same to sell beer, ale, porter, cider, or perry to be drunk or consumed in the houses or premises specified in the licences respectively") brought up, and read.

Question put, "That the clause be read a second time."

The CHANCELLOR of the EXCHEQUER. — This question has been already so fully argued by the Honourable Gentleman the Member for Droitwich, that I shall not trouble the committee further than to state, in a few words, the reason why I conceive that the adoption of this clause would unavoidably lead to a system of extensive fraud. The result would be, that persons would resort to a variety of devices in order to evade the law; and with that view the beer would be sold in gardens, and under fictitious names, and the whole country would be exposed to the consequences of such fraudulent practices.

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Mr. HUME. — I quite agree with the observations of the Right Honourable Gentleman the Chancellor of the Exchequer. Those who acted honestly, and obeyed the law as proposed under the clause of the Noble Lord opposite, would be entirely ruined and the system would hold out strong inducements to fraud.

LORD VISCOUNT DUNGANNON. — I must express my entire coucurrence in the principle of this clause which my Noble Friend has proposed. It would leave the poor man all the real advantages of the present law, while it would remove all the great objections to which that law is now open. The labourers would be still enabled to obtain their beer at a cheap rate, and there would not be that inducement for them to congregate at the beer-house, and spend their earnings, to the injury of their wives and families. I do not participate in the fears which are entertained by the Right Honourable Gentleman the Chancellor of the Exchequer, that the clause would give rise to an extensive system of fraud. I think it would be no difficult matter to provide against the possibility of fraud. I am quite sure that this clause, if adopted by the House, will be approved of by many persons of practical experience in the working of the present law throughout the country; and it has been shown, by what has taken place at their meetings, that the magistracy in almost every county are anxious for this alteration in the law.

Mr. GOULBURN. — It was my fortune, or my misfortune, to introduce this present Beer Bill. Before that time, licences were granted to sell beer by retail, under the control of the magistrates. It was found that, in those cases where the beer was not allowed to be sold on premises, the prohibition gave rise to vexatious and improper informations in many cases, and abuses of the law in others; and if I wanted any additional argument to confirm the opinion I have before expressed on this subject, it has been furnished, to-night, by the Honourable Member for Droitwich, who has entered so fully into the question, that it would be unnecessary for me to add another word.

Mr. G. PALMER. — Every day's experience since the passing of this Bill has tended to confirm more strongly my opinion of the ill effects of allowing beer to be sold and drunk on the premises. At those beer-houses the labourers will congregate; they neglect their families, and become demoralised. I shall therefore support the Noble Lord's clause.

MAJOR WOOD. — I think it is not fair to the important interests concerned, to introduce such a change in the law as that proposed by my Noble Friend the Member for Liverpool, in the shape of a clause, and by way of amendment. If the consumption of beer on the premises is to be put an end to, it should be done by a specific and a separate Bill, so that those interested might have due notice, and not be taken by surprise. I think it is the duty of the Government to consider all the laws which affect the licensed victuallers and the innkeepers, and to consolidate them all into one Act; and not, by introducing new clauses, which go materially to affect the licensed victuallers, into a Bill relating to the sale of beer only, but which the original proposer has been induced to withdraw, — to make the law more complicated than it now is.

Mr. T. ATTWOOD. — I hope the Noble Lord will not persevere with the clause. There are several millions of labouring men and their families whose comforts would be seriously interfered with if it were adopted. It should be the object of the Legislature to increase the comforts and enjoyments of the poor, and not to infringe upon them by unnecessary and impolitic prohibitions. It has been said, that to do away with the beer-shops would be to improve the morals of the labouring classes; but I dissent from that opinion altogether. I believe, if you were to do away with the beer-houses, you would increase immorality. So far from crime originating in beer-houses, I believe that the whole amount of crime which appears in the calendars of this country may be traced to bad legislation. You will find that, in every case, the increase of crime has been co-existent with the increase of human misery and degradation. It is misery, not beer-shops, which is the parent of crime.

[Cries of "Question, question!" and, "Divide!"]

LORD VISCOUNT SANDON. — I regret that I cannot accede to the Honourable Gentleman's request that I should withdraw this clause. I agree with the Honourable Member, that the labourer will be affected by it, if adopted; but, I must add, not in the way the Honourable Member supposes. I believe that the labourer, and more especially the family of the labourer, would have their

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comforts increased by such an alteration of the law as I propose.

COLONEL SIBTHORP. — I am, at all times, the advocate for giving to the poor man every comfort and enjoyment that it is possible to confer on him; but I am, also, desirous that the wife and family of the labourer should participate with him in such enjoyment and comfort. I shall therefore vote in favour of the clause.

SIR H. VERNEY. — Instead of taking up the time of the House by discussing measures of this description, it would be far more to the benefit of the country if the Government were to bring forward a Bill for establishing an efficient system of rural police throughout the country. I believe the beer-houses in many places are little better than brothels; and my opinion is, that if an effective police system were established, and active police officers sent round to examine their houses, all those evils which are now so loudly complained of might be removed.

The committee then divided: — Ayes 85; Noes 146; — Majority against the clause 61.

AYES.

A'Court, Captain
Alford, Lord Viscount
Attwood, W.
Baker, E.
Bentinck, Lord G
Bethell, R.
Broadley, H.
Burr, H.
Burrell, Sir C.
Cantalupe, Lord Visct.
Cayley, E. S.
Chetwynd, Major
Codrington, C. W.
Cole, Lord Viscount
Cresswell, C.
Darlington, Earl of
D'Eyncourt, Rt. Hon. C. T.
Dungannon, Lord Vt.
Du Pre, G.
Eastnor, Lord Visct.
Egerton, W. T.
Egerton, Sir P.
Estcourt, T. (Dev.)
Fellowes, E.
Filmer, Sir E.
Fleming, J.
Gore, O. J. R.
Gore, O. W.
Greene, T.
Grimsditch, T.
Grimston, Hon. E. H.
Hale, R. B.
Halford, H.
Heathcote, Sir W.
Hector, C. J.
Heneage, G. W.
Henniker, Lord
Herbert, Hon. S.
Hillsborough, Earl of
Hope, Hon. C.
Hope, G. W.
Hughes, W. B.
Inglis, Sir R. H.
Irton, S.
Irving, J.
Knatchbull, Rt. Hon. Sir E.
Liddell, Hon. H. T.
Lowther, Hon. Colonel
Lygon, Hon. General
Mackenzie, T.
Mackinnon, W. A.
Mahon, Lord Viscount
Manners, Lord C. S.
Maunsell, T. P.
Miles, P. W. S.
Neeld, John
Noel, Hon. W. N.
Norreys, Lord
Packe, C. W.
Palmer, G.
Parker, M.
Parker, R. T.
Pease, J.
Plumptre, J. P.
Pringle, A.
Richards, R.
Rolleston, L.
Round, John
Rushbrooke, Colonel
Shaw, Right Hon. F.
Sheppard, T.
Shirley, E. J.
Sibthorp, Colonel
Sinclair, Sir G.
Stanley, E.
Talbot, C. R. M.
Teignmouth, Lord
Thomas, Colonel H.
Thornhill, G.
Vere, Sir C. B.
Verner, Colonel
Waddington, H. S.
Welby, G. E.
Winnington, T. E.
Worsley, Lord

Tellers.

Palmer, R.
Sandon, Lord Viscount

NOES.

Aglionby, H. A.
Ainsworth, B.
Alcock, T.
Alston, R.
Attwood, T.
Bagge, W.
Baines, E.
Baring, H. B.
Barnard, E. G.
Beamish, F. B.
Benett, J.
Berkeley, Hon. C.
Bewes, T.
Blackstone, W. S.
Blake, M. J.
Blake, W. J.
Blennerhassett, A.
Bodkin, J. J.
Bowes, J.
Bramston, T. W.
Bridgeman, H.
Briscoe, J. I.
Brocklehurst, J.
Brotherton, J.
Buck, L. W.
Buller, C.
Bulwer, Sir L.
Burroughes, H. N.
Busfeild, W.
Callaghan, D.
Clay, W.
Clements, Lord Visct.
Collier, J.
Collins, W.
Darby, G.
Dashwood, G. H.
Douglas, Sir C. E.
Duke, Sir J.
Ellis, W.
Euston, Earl of
Evans, G.
Ewart, W.
Fazakerley, J. N.
Fenton, J.
Finch, F.
Fleetwood, Sir P. H.
Gillon, W. D.
Gordon, R.
Goulburn, Rt. Hn. H.
Grey, Rt. Hon. Sir G.
Harcourt, G. G.
Hawes, B.
Hawkins, J. H.
Hayter, W. G.
Hinde, J. H.
Hindley, C.
Hobhouse, T. B.
Hodges, T. L.
Hodgson, R.
Horsman, E.
Hoskins, K.
Howard, P. H.
Howard, Sir R.
Howick, Lord Visct.
Hume, J.
Hurt, F.
James, W.
Jervis, J.
Johnson, General
Kemble, H.
Langdale, Hon. C.
Lowther, J. H.
Lushington, C.
Macleod, R.
Marsland, H.
Martin, T. B.
Maule, Hon. Fox
Mildmay, P. St. John
Miles, W.
Molesworth, Sir W.
Moreton, Hon. A. H.
Morris, D.
Murray, A.
Muskett, G. A.
O'Connell, John
O'Connell, M. J.
O'Ferrall, R. M.
Oswald, J.
Paget, F.
Pakington, J. S.
Palmer, C. F.
Parker, J.
Parnell, Rt. Hn. Sir H.
Parrott, J.
Pechell, Captain
Philips, M.
Pryme, G.
Redington, T. N.
Rice, E. R.
Rice, Rt. Hon. T. S.
Rickford, W.
Roche, Sir D.
Rolfe, Sir R. M.
Rundle, J.
Russell, Lord J.
Rutherfurd, Rt. Hn. A.
Salwey, Colonel
Scholefield, J.
Slaney, R. A.
Smith, J. A.
Smith, B.
Standish, C.
Stanley, Hon. E. J.
Stansfield, W. R. C.
Stuart, Lord J.
Stock, Dr.
Strutt, E.
Style, Sir C.
Surrey, Earl of
Tancred, H. W.
Thomson, Rt. Hn. C. P.
Thompson, Alderman
Thornely, T.
Troubridge, Sir E. T.
Turner, E.
Verney, Sir H.

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Vigors, N. A.	Williams, W.
Villiers, Hon. C. P.	Williams, W. A.
Walker, R.	Wilshere, W.
Wallace, R.	Winnington, H. J.
Warburton, H.	Wodehouse, E.
Ward, H. G.	Wood, C.
Westenra, Hon. H. R.	Wood, T.
Westenra, Hon. J. C.	Yates, J. A.
White, A.	
White, H.	*Tellers.*
Wilde, Mr. Serjeant	Baring, F.
Wilkins, W.	Steuart, R.

The CHANCELLOR of the EXCHEQUER. — I will now, Sir, propose the clauses of which I have given notice.

Clauses brought up, read, and agreed to.

LORD DUNGANNON. — Is it the intention of the Right Honourable Gentleman to proceed with the Bill during the present Session?

The CHANCELLOR of the EXCHEQUER. — I propose to pass it through Parliament this Session, if possible.

House resumed; Chairman reported progress; Bill reported; further consideration of Report on Monday next; Bill, as amended, to be printed.

SUGAR DUTIES BILL.

Reported; to be read a third time tomorrow.

ELECTORS' REMOVAL BILL.

On the motion of Mr. GIBSON, the Order of the Day for the third reading, read.

Upon the question, "That the Bill be now read a third time," being put from the chair, —

Mr. BAGGE said: — I rise, to move that this Bill be read a third time on this day three months. I object to it because it goes to destroy those clauses of the Reform Bill which fixed the 10*l.* qualification; for it proposes, that if a man be once registered, he may leave the house for which he is so registered, and come back at the election, and vote for the borough. I have no objection to allow the man to vote, provided he be an inhabitant ratepayer at the time of voting; but I cannot consent to the alteration which this Bill would introduce. I therefore, Sir, move, as an amendment, to leave out from the word "now" to the end of the question, in order to add the words "this day three months."

COLONEL SIBTHORP. — I second the amendment. I have read the Bill. I have taken some pains to understand it, with the view of giving an impartial vote upon it. I am quite willing to admit that there may be some hardship in the case of a person, removing from one tenement to another of greater value, in the same parish, thereby losing his vote. I quite agree, that it is hard that he should be disqualified from voting because he does not hold precisely the same house for which he is registered. But I am opposed to a measure, the object of which is, not merely to correct that evil, but to create a fictitious and improper qualification.

Question put, "That the words proposed to be left out stand part of the question."

Mr. EWART. — This is a Bill which must be of equal advantage to both sides of the House. No Honourable Member, who is in the habit of attending the proceedings at election committees, can have failed to see the necessity for some such measure. In the Carlow case, interminable disputes have arisen out of these removals.

LORD VISCOUNT MAHON. — Sir, I rise to order. The committee on the Carlow election have not yet given in its Report; any allusion, therefore, to its proceedings, is contrary to the Orders of the House.

The SPEAKER. — Certainly, no Honourable Member is at liberty to refer to the proceedings of any committee, before it shall have reported to the House.

Mr. EWART. — I am sure, Sir, that no Honourable Member can have attended to the proceedings of the various election committees which have sat in the course of the last few years, without feeling strongly the objections to which the existing system of registration is liable. We know that disputes are of constant occurrence in those committees; which disputes are decided only after great expense has been incurred by both parties in bringing forward witnesses to prove whether, perhaps, the key was taken out of the door? or whether some article of furniture was not left in the house?

[Cries of "Divide!" and, "Question!"]

I believe that neither party would obtain an advantage over the other by the Bill now before the House; but that it would confer a great benefit both on the elector and the elected.

Mr. BLACKSTONE. — When this Bill

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was first introduced, I was inclined to support it; but, upon a more close examination, I find that it contains one proviso, which, unless it be removed, will compel me to vote against the third reading. As the Bill now stands, a voter might leave the house for which he was registered, and go to another twenty miles off, or he might even cross the sea, and come back at the election and give his vote. If the Honourable Member had consented to introduce an enactment, limiting the right to vote to those persons who should still be rated for the borough at the time of the election, I would have supported his Bill; but, without such a proviso, I shall feel it my duty to oppose its further progress.

Mr. WARBURTON. — The Honourable Member who has just sat down has stated the only objection which can possibly be taken to the Bill. But that objection is as nothing, compared with the great expense to which candidates are put in the cases of disputed returns. If the proviso, suggested by the Honourable Member (Mr. Blackstone), were introduced, you would still have the same difficulty which is experienced under the present law. The question would branch out into infinite ramifications. Questions would arise as to the nature of the rating; counsel would be employed on both sides; and the same expense, delay, and inconvenience, which we now complain of, would result. Therefore, for one, I entirely approve of the Bill in the shape in which it is now brought in.

LORD VISCOUNT SANDON.—There is no species of bribery which is more common than that of paying the expenses of out-voters in coming to the poll. I consider this Bill to be a departure from the principle of the Reform Bill; inasmuch as it would allow persons to vote who possessed no real qualification; and therefore I shall support the amendment.

LORD VISCOUNT DUNGANNON. —I think that one objection which cannot be answered is this: — Suppose a voter were to dispose of his qualification the day after his admission, ought he to be allowed to exercise the franchise, upon that same qualification, a twelvemonth after? Surely such a system cannot be permitted. I agree that, in those cases where parties merely remove from one house to another next door, of equal or superior value, and are known to be rated to the full amount, and to possess the qualification in every other respect, their names should be allowed to remain on the register. But those Honourable Gentlemen who represent large provincial towns well know what a vast number of changes take place in the constituencies, and how many of the voters lose their qualification in the course of every year; and I would appeal to those Honourable Gentlemen, whether we should not thus be opening the door to an endless system of fraud and abuse? and whether we should not, in fact, occasion even greater expenses to the candidates than they are now subjected to, by passing this Bill in its present shape?

Mr. ORMSBY GORE. — What is the principle of the elective franchise in this country? As I understand it, it is this; —that the members elected should be the representatives of those whose interests they are sent here to advocate, — that is, of those who have a *bonâ fide* interest in the place that returns the Member; but all interest ceases the moment the property which confers the vote ceases to be the property of the voter. I cannot understand on what principle it can be asserted that an individual, residing at the extremity of the kingdom, afer having parted with all right of property in Ipswich, or any other borough, should still retain the right of voting for that borough. Common sense is opposed to it. Now, suppose the case of an elector being entitled to vote at any election occurring within twelve months after he has removed from any town or borough, and that no objection is taken to his name at the next registry for such borough, — what would be the consequence? Why, that the voter, having left the borough, and having no sort of interest therein, might thus continue to vote at each election *ad infinitum*.

[Cries of "No, no!" and, "Hear, hear!"]

Surely the House will not stultify itself, by assenting to a Bill so repugnant to the principles of the Reform Bill.

Mr. BROTHERTON. — I can state, from experience, that, in a borough constituency of 2000, there will be 200 removals in twelve months; while, very probably, not more than 10 of the 200 will quit the town. A person might be rated to a 10*l.* house, which he might afterwards quit in order to take a 20*l.* house; and yet, at the election, he might not be a rated inhabitant of a 10*l.* tenement, though really occupying a better house, and having a larger interest in the borough. The question really is, — whe-

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ther the House will agree to disfranchise the 190, because 10, perhaps, quit the borough in the year? As to what the Honourable Gentleman has said about remaining on the register for life, and voting all the time, it is perfectly impossible that any such thing could occur; because the overseers make out the register every year, and the premises would be returned either as vacant, or under the name of the new occupant. I hope the House will pass the Bill, because I believe its operation would be just to both parties.

SIR G. CLERK.—I wish to make a few remarks on the Bill, which I regard as a measure of considerable importance. At any rate, it is deserving of some discussion; and the more so, as it has passed on to its very last stage without any discussion whatever.

[Cries of "No, no!"]

At least, with but a short discussion. As to the probable effects of the Bill, I do not think it would act upon one party more than another; therefore we have to look upon it with regard only to its intrinsic merits, and with reference to the principles of the Reform Act. For myself, I will say, at once, that I am not prepared to maintain, that there is no hardship in the case of persons who, on removing to another tenement in the same borough, of equal value, are deprived of their vote. Parliament, I think, is bound to find some remedy for such an evil. But the Bill goes much further than this,—for it goes to admit the principle that a person who removes to the further end of the kingdom shall be still entitled to vote in the borough he has left. This, as has been well observed, is wholly opposed to the principle of the Reform Act. The Noble Lord (Lord Howick) said, the other night, in reference to that Act, that there was nothing to which he was more opposed than to a system of petty legislation on the subject of that great measure. I hope the Noble Lord will adhere to the sentiment he then expressed. At all events, I am convinced that the Government ought not to let this Bill pass into a law. The Honourable and Learned Attorney General, some short time back, brought in a Bill for the better Registration of Voters, the same nearly that he had brought forward on a former occasion; but, during the discussion, it having fallen out that the Government contemplated a larger measure, which would embrace the whole subject, the Honourable and Learned Gentleman accordingly thought fit to withdraw his Bill. Now, I do say, that when the Attorney General of the Crown was obliged to withdraw his Bill, because it was understood that this Government had in view a more comprehensive measure, it is too bad that this Bill should be allowed to pass. I am aware, however, that there may be circumstances which render this Bill more agreeable to Honourable Gentlemen opposite than if it had proceeded from other hands.

[Cries of "Hear, hear!" and laughter.]

But there is another point. I object to the Bill, also, because it interferes with the registration of electors in Scotland. There are, at this moment, two Bills before the House relating to that subject, which are totally inconsistent with this measure. The Registration Bill for Scotland takes away the right of voting, except the person shall reside within seven miles of the place for which he claims to vote. This Bill was brought in by the Lord Advocate, the Attorney General, and the Under Secretary of State. It excludes, too, those from voting, who shall have removed from the borough previous to the election. So that this Bill is directly opposed, in principle, to a Bill now before Parliament, and introduced under the immediate auspices of the Government. On these grounds I do hope that the Noble Lord will join with me in voting against the further progress of this measure.

LORD VISCOUNT INGESTRE.—I think this Bill is one which especially calls for a distinct expression of opinion on the part of her Majesty's Government. Honourable Gentlemen opposite appear to misunderstand the feeling on this side of the House with regard to this subject. We do not object to any person voting who has merely removed from one tenement to another in the same borough; but what we do object to is, that a man should have a vote for the borough, when he resides in a distant part of the country. That would be entirely inconsistent with the principle laid down by the Reform Act,—namely, that no person shall be allowed to vote at any election for any borough, who is not a rated inhabitant of that borough at the time of such election. I must be allowed to observe, also, that I think this measure would have exhibited to better advantage the good taste of its author, if it had come from the other side of the House.

[Loud cries of "Hear, hear!" from the Opposition benches.]

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The Honourable Member who is the author of this Bill is, I think, well entitled to the name of a "Conservative Radical." For my part, I think this Bill trenches upon the principle of the Reform Act; and, although I have always considered the Reform Act as fraught with danger to the country, — an opinion which I have, as yet, seen no reason to alter, — yet, as it is the law of the land, I will respect it, and therefore I shall oppose this Bill.

The SOLICITOR GENERAL. — It has been charged against this Bill, that it is one of those petty interferences with the Reform Bill which was adverted to and deprecated, the other night, by the Noble Lord the Secretary at War (Lord Howick). Now, I think that this is one of the most practical Bills that has ever been introduced into the House, because it is directed against an evil pressing equally on both sides of the House, and which all the constituencies in the country most wish to see removed. The Right Honourable Member for Stamford (Sir G. Clerk) has suggested that this Bill is inconsistent with the Registration (Scotland) Bill. But there is no analogy whatever between the registration in Scotland and the registration in this country. In Scotland, the registration is not renewed annually, as it is here. It might, perhaps, have been wise to have made the registration uniform in the three kingdoms; but that not being the case now, this Bill is very properly confined to England and Wales only. The objection is, that this Bill would create out-voters.

Several Honourable Members. — Hear, hear!

The SOLICITOR GENERAL. — I am really astonished to hear that objection urged gravely. The Honourable Member for Salford has told us that 10 out of 200 persons annually removing may have left the borough; these, perhaps, may have removed to the suburbs, or to a distant part of the kingdom. But do not Honourable Gentlemen know that there are now, at every election, a great number of voters in boroughs, who, at the time of the election, may be residing at a great distance from the borough? You say that you would allow the party to vote, although he may have removed from the house for which he was registered, provided he be a rated inhabitant. But how would you ascertain whether he was rated at the time of the election, or not? Would you inquire of the parties themselves? And would you not, by such a system, increase those difficulties which the Bill seeks to remedy? The only objection in this Bill is, that a certain number of electors remaining on the registry would, for the current year, — for it is only for that time, — have a vote, while, according to the principle of the Reform Act, they should not be entitled to it. Now, I really think that objection is too minute to require notice. I believe this Bill to be a useful Bill, and one which will remedy an evil that has long been complained of; and therefore I wish to see it carried.

Mr. GOULBURN. — This is not a party question, and ought not to be discussed as such. The proposition is to give to persons who have no qualification, at the time of the election, a right to vote. Now, that is entirely at variance with the principle of the Reform Bill, which was, that no person should vote, who had not, at the time of voting, an interest in the place for which the representative was to be chosen. But while it interferes with this principle as regards boroughs and cities, this Bill does not touch counties. Then, you still say, if a party has lost his qualification, he shall not be allowed to vote. I say, if it be just to admit the principle in boroughs, that persons having no qualification shall be allowed to vote, it is equally proper that you should allow the county voter, who has changed his qualification, to vote in the same way. If the principle be good for boroughs, surely it is proper for counties; but if, on the other hand, the principle be improper, as applied to counties, I cannot conceive how it can be proper, as applied to boroughs.

Mr. M. GIBSON. — I am very glad to hear the Right Honourable Gentleman say that this is no party question; because I hope that the Noble Lord will take that remark as a gentle reproof for having said that the measure would have shown better taste if it had proceeded from the other side of the House. Such a remark could only have been dictated by party, and not public, spirit. As to the appellation of "Conservative Radical," I really do not know what is meant by it; I can only say, that the party who supported me at my election for Ipswich, have, through their leaders, most strongly requested me to bring forward this Bill. I am, therefore, placed in a very difficult position, — not knowing whom to please. The Honourable Member for Shropshire (Mr. O. Gore) has expressed a hope that the House will not stultify itself by passing this Bill. Now,

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the Honourable Member, as well as others, have spoken of this Bill as if it were an entirely new measure. But, in fact, a similar Bill was introduced, and passed through this House, in a former Parliament, of which, if I am not mistaken, the Honourable Gentleman was a Member; and I earnestly hope that he did not omit the opportunity of registering his vote in opposition to a measure to which he has just now so solemnly declared his objections. The House having entertained the former and similar Bill, I also hope they will not stultify themselves, by refusing to pass this.

The House then divided: — Ayes 137; Noes 122; — Majority 15.

AYES.

Aglionby, H. A.
Ainsworth, P.
Alcock, T.
Archbold, R.
Attwood, T. (Birm.)
Baines, E.
Bannerman, A.
Baring, F. T.
Barnard, E. G.
Beamish, F. B.
Berkeley, Hon. H.
Berkeley, Hon. C.
Bernal, R.
Bewes, T.
Blake, M. J.
Blake, W. J.
Bodkin, J. J.
Bridgeman, H.
Briscoe, J. I.
Brocklehurst, J.
Brotherton, J.
Buller, C.
Busfeild, W.
Callaghan, D.
Cavendish, Hon. C.
Cayley, E. S.
Clay, W.
Clements, Lord Visct.
Collins, W.
Dashwood, G. H.
D'Eyncourt, Rt. Hon. C. T.
Duke, Sir J.
Duncombe, T.
Ellis, W.
Euston, Earl of
Evans, G.
Evan, W.
Fenton, J.
Finch, F.
Fleetwood, Sir P. H.
Gillon, W. D.
Gordon, R.
Grey, Rt. Hon. Sir G.
Hall, Sir B.
Hawes, B.
Hawkins, J. H.
Hayter, W. G.
Heathcoat, J.
Hector, C. J.
Hobhouse, T. B.
Hodges, T. L.
Hoskins, K.
Howard, P. H.
Howick, Lord Visct.
Hume, J.
James, W.
Jervis, J.
Johnson, General
Lambton, H.
Langdale, Hon. C.
Lascelles, Hon. W. S.
Lushington, C.
Macleod, R.
Marsland, H.
Maule, Hon. F.
Mildmay, P. St. John
Molesworth, Sir W.
Moreton, Hon. A. H.
Morpeth, Lord Visct.
Morris, D.
Murray, A.
Muskett, G. A.
O'Connell, John
O'Connell, M. J.
O'Ferrall, R. M.
Oswald, J.
Paget, F.
Palmer, C. F.
Parker, J. (Sheff.)
Parnell, Right Hon. Sir H.
Parrott, J.
Pease, J.
Pechell, Captain
Philips, M.
Philips, G. R.
Pigot, D. R.
Pryme, G.
Redington, T. N.
Rice, E. R.
Rice, Rt. Hon. T. S.
Roche, E. B.
Roche, Sir D.
Rolfe, Sir R. M.
Rumbold, C. E.
Rundle, J.
Russell, Lord J.
Rutherfurd, Rt. Hn. A.
Salwey, Colonel
Scrope, G. P.
Smith, B.
Standish, C.
Stanley, Hon. E. J.
Stansfield, W. R. C.
Steuart, R.
Stuart, Lord J.
Stuart, W. V.
Stock, Dr.
Strickland, Sir G.
Strutt, E.
Style, Sir C.
Talbot, C. R. M.
Tancred, H. W.
Thomson, Rt. Hon. C. P.
Thornely, T.
Troubridge, Sir E. T.
Turner, E.
Verney, Sir H.
Vigors, N. A.
Villiers, Hon. C. P.
Walker, R.
Wallace, R.
Warburton, H.
Ward, H. G.
Westenra, Hon. H. R.
Westenra, Hon. J. C.
White, A.
Wilbraham, G.
Wilde, Mr. Serjeant
Wilkins, W.
Williams, W.
Williams, W. A.
Wilshere, W.
Winnington, T. E.
Winnington, H. J.
Wood, C.
Worsley, Lord
Yates, J. A.

Tellers.

Ewart, W.
Gibson, M.

NOES.

Acland, T. D.
A'Court, Captain
Alford, Lord Viscount
Arbuthnott, Hon. H.
Attwood, W.
Baillie, Colonel
Baker, E.
Baring, Hon. F.
Baring, H. B.
Bentinck, Lord G.
Bethell, R.
Blackstone, W. S.
Blennerhassett, A.
Bramston, T. W.
Broadwood, H.
Brownrigg, S.
Bruges, W. H. L.
Buck, L. W.
Burr, H.
Burrell, Sir C.
Burroughes, H. N.
Calcraft, J. H.
Cantalupe, Lord Visct.
Clerk, Sir G.
Codrington, C. W.
Cole, Lord Visct.
Cresswell, C.
Cripps, J.
Darby, G.
Darlington, Earl of
De Horsey, S. H.
Douglas, Sir C. E.
Dungannon, Lord Vt.
Du Pre, G.
East, J. B.
Eastnor, Lord Viscount
Egerton, W. T.
Egerton, Sir P.
Ellis, J.
Estcourt, T. (Oxf. U.)
Estcourt, T. (Devizes)
Farnham, E. B.
Fellowes, E.
Fleming, John
Gordon, Hon. Captain
Gore, O. J. R.
Gore, O. W.
Goulburn, Rt. Hon. H.
Graham, Rt. Hn. Sir J.
Grimsditch, T.
Grimston, Hon. E. H.
Hale, R. B.
Halford, H.
Heathcote, Sir W.
Heneage, G. W.
Henniker, Lord
Herbert, Hon. S.
Herries, Rt. Hn. J. C.
Hillsborough, Earl of
Hinde, J. H.
Hodgson, R.
Hope, Hon. C.
Hope, G. W.
Hotham, Lord
Howard, Sir R.
Hughes, W. B.
Hurt, F.
Ingestre, Lord Visct.
Inglis, Sir R. H.
Irton, S.
Irving, J.
James, Sir W. C.
Jermyn, Earl
Kemble, H.
Knatchbull, Rt. Hon. Sir E.
Knightley, Sir C.
Liddell, Hon. H. T.
Lincoln, Earl of
Lowther, Hon. Colonel
Lowther, J. H.
Lygon, Hon. General
Mackenzie, T.
Mackinnon, W. A.
Mahon, Lord Viscount
Manners, Lord C. S.
Maunsell, T. P.
Meynell, Captain
Noel, Hon. W. M.
Norreys, Lord
Packe, C. W.
Palmer, R.
Palmer, G.
Parker, M.
Parker, R. T.
Plumptre, J. P.
Polhill, F.
Pringle, A.
Rae, Rt. Hon. Sir W.
Richards, R.
Rickford, W.
Rolleston, Lancelot
Round, J.
Rushbrooke, Colonel
Sandon, Lord Visct.
Shaw, Rt. Hon. F.

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Sheppard, T.	Vivian, J. E.
Shirley, E. J.	Waddington, H. S.
Sinclair, Sir G.	Welby, G. E.
Stanley, E.	Wodehouse, E.
Stormont, Lord Visct.	Wood, T.
Teignmouth, Lord	Young, J.
Thomas, Colonel H.	
Thompson, Alderman	*Tellers.*
Thornhill, G.	Bagge, W.
Vere, Sir C. B.	Sibthorp, Colonel
Verner, Colonel	

The Bill was then read a third time, and passed.

REGISTER OF BIRTHS, &c. BILL.

Lord John Russell moved the further consideration of the Report on this Bill.

Mr. GOULBURN. — I was anxious to make some observations on the subject of registration of births and marriages under the Act which passed two Sessions ago, and I think the present is the opportunity which I should embrace for that purpose. When the Bill to which I allude passed, several objections were urged against it at this side of the House, and I was one among the objectors. It will be remembered, that I then stated that the proposed law would introduce a principle into marriages, which would have the effect of encouraging clandestine and illegal marriages to a greater extent than had been previously known. I am sorry to say my anticipations have been fully verified. In the other House, I find that a very remarkable case of this kind has been brought under notice; and it must have made a great impression on all who listened to it. I have received a great many communications from different parts of the country, stating that, in several instances, parties, whom the clergymen of the establishment had refused to marry, because of their coming within the prohibited degrees of consanguinity or relationship, have been married at dissenting chapels under the certificate of the registrar; and all those evil consequences have followed, which such marriages usually entail. I learn, also, from some of the officers of the ecclesiastical courts, that the number of illegal marriages brought before those courts is, now, far greater than it was under the former state of the law. I will not weary the House by repeating the many cases that have been transmitted to me; but I will merely instance one or two, which will show sufficiently the condition of this matter. I will refer to two cases, both of which occurred in my immediate neighbourhood, and almost immediately at the same period. In the first case, a party gave notice of his intention to marry a woman at the parish church, by banns. The rector, on inquiry, found there were objections to the marriage, and told the parties that it could not take place in consequence of the affinity of the parties, — the woman being the man's former wife's sister's daughter. He also informed the registrar of the circumstance, and prevented the marriage taking place before him. Some time afterwards the rector of the parish went out of town; and on his return he found that a fresh application had been made, that they had obtained a certificate from the Registrar of Marriages, and were married at a dissenting chapel. The other case, which occurred in the same neighbourhood, and almost at the same period, was also one in which the parties came within the prohibited degrees. The banns were published; but it being ascertained that the woman was the sister of the man's late wife, the clergyman very properly refused to perform the ceremony. The parties, however, went to the registrar, and were married by his certificate at a dissenting chapel. These marriages, therefore, — as coming within the prohibited degrees of relationship, — are both illegal, and the children that may be born of them will be illegitimate. Then, the present system of registering births is most imperfect, and tends much to interfere with baptisms in the church. In the large parishes in the country this is found to be particularly the case. For instance, in Bury, in Lancashire, in 1836, the year before the Bill came into operation, there were 806 baptisms, while, in 1838, the number was only 579, — showing a diminution of 227. I also complain that, in some instances, in the metropolis, the rule has not been adhered to of appointing persons to offices under the Bill who have kept aloof from political agitation. I will instance a case in the parish of St. Giles, London, where a man was appointed who took a most prominent part at a public meeting against the church. I contend, also, from the documents on the table, that, so far from there being now settled a more complete system of births, deaths, &c., than formerly existed, the fact is directly the contrary, and more particularly so in the metropolis. Thus, in the returns for last year for the metropolis, I find that the number of registered births amounts to 37,731, while the number of deaths amounts to 53,511. Such is the return from the Registrar General's Office; and if this Return be correct, all the parishes in the metropolis must be in a state of gradually decreasing population. I believe, however, that the fact will be found to

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be, that there is an increasing population by births in most parishes. Taking, again, the proportion of births to baptisms, the latter would seem greatly to exceed the former! In the parish of St. George, Hanover Square, the Registrar General's return gives the number of births during the last year at 878, while the parochial returns give the number of baptisms at 1306. I may be told that children are brought from other parishes to be baptized here, but I am not aware whether this be the case or not. At any rate, it is an extravagant disproportion between the births and baptisms. Again, in the parish of Marylebone, according to the returns, there were 2500 births last year, while in the same time there had been 3700 deaths. According, then, to that return, a large proportion of the parish is dying off every year. The same observation applies to the parishes of Hackney and St. Pancras; and with regard to the two last-named parishes, it appears by the Registrar General's return, that the number of births registered was 725, while the number of baptisms was 981, in the former; and in the latter the births appear as 2100, and the baptisms as 2360: and the same would be the result of an inquiry with regard to all the large parishes. The chief ground upon which the Government introduced the Registry Bill, was, to afford a remedy for the inaccuracies of the registers kept by the parochial clergy. I do not think that the object has been attained. If this new system of civil registration is to go on, it is of the utmost importance that it should be strictly accurate. Up to the present moment, I must say that, so far from having given any additional security, the new system has only added to the embarrassments which existed previous to its adoption.

LORD J. RUSSELL.—I was not aware of the points to which the Right Honourable Gentleman intended to direct the attention of the House, or I should have gone into an examination of the returns to which he has alluded. But I cannot agree with him in thinking that there is any ground for disappointment as to the manner in which the Register Bill has been carried into effect. The Right Honourable Gentleman can scarcely say that the former system was not defective. However meritorious the parties who kept the registry of the baptisms and births may have been, it cannot be denied that the system was extremely defective; besides which, there was no place to which the registries from the various parishes could be transmitted, in order to be kept for reference. As the Bill passed, it left the system voluntary,—so that it could not be expected that it would be as effectual as though the registry were compulsory. The Right Honourable Gentleman has, no doubt, read the report of the Registrar General; and I will also quote from that report, upon the subject of the number of deaths that have been registered since the passing of the Act. It has been calculated that the proportion of deaths is 1 in 45 on the population; and, applying that rule to the year 1838, we find that the registry cannot be very far from correct. According to that calculation, the number of deaths would be, in the year, 340,505. Mr. Finlayson calculates the number at 335,968, while the number on the registry is 335,956,—being a difference of only 12 from Mr. Finlayson's calculation. With respect to the registry of births, there has, no doubt, been some deficiency; but not more so than I had expected, considering that the system of registration established by the Registration Act was entirely new, and varying, in some degree, from the previous habits of the people. But, although the Right Honourable Gentleman has alluded to the faults of the Registrar General, he has omitted to notice the conduct of many of the clergy, in influencing the people to refuse compliance with the law, and distributing among them written and printed notices that it was not necessary that they should comply with the provisions of the Registration Act. This being the case, I think it is not to be wondered at that many persons neglect or refuse to register the birth of their children. At the same time, I am glad to perceive that there is a gradual and general increase of the entries; for I find that the number of births registered for the quarter ending March last, was 113,815, while in the quarter ending in June, it appears that 121,781 births were registered. The average number of births in the year appears to be 480,000, while the number of baptisms, in 1838, was 449,000. I am glad to perceive that the majority of the people are conforming themselves to the law in this respect. Under the old law, there must have been very great inaccuracies in the registration of births, because many persons did not baptize their children at all, on account of their religious feelings being opposed to baptism; while many others did not baptize their children until they were six or seven years of age; so that there must have been a much greater deficiency in the registry of the actual number of births, than can be complained of under the present Registration Act. Then, with respect to the

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improper marriages to which the Right Honourable Gentleman has alluded, I believe some such cases may have occurred. I have heard of one, besides the two which the Right Honourable Gentleman has mentioned,—making three altogether. I do not say that there may not have been more; but these are all that I have heard of. With regard to one of these, a petition was presented to the other House of Parliament, complaining that the registrar had granted the certificate after the clergyman had refused to marry the parties. But this petition was immediately followed by another from another parish, in which it was complained that, in a case in which the registrar had refused to grant the certificate, the parties afterwards went to the parish church and were married by banns. In a very large population, whether the marriage takes place before a dissenting minister or a clergyman of the church, it may be impossible, in every instance, to prevent abuse. Those abuses might occur from the ignorance of the clergyman as well as from that of the officers; but, as many eyes are turned with jealousy and suspicion on the new Act, it is probable that cases may be found out and brought forward, which, under the old law, would have passed unnoticed. The Right Honourable Gentleman has referred to the appointment of certain persons to the office of registrars. On that subject I cannot speak, for the names of the parties have not come before me. I will not say that there may not be some defects in the Registration Act, which ought to be remedied; but I am not prepared, at present, to propose any remedial measure. I think it is better to wait until we see exactly what those defects are, before we propose any measure for their removal. I believe there are parts of the Act which may be rendered less distasteful to the clergy of the established church, as well as more convenient to the people. But while I admit this, I should be decidedly hostile to any attempt to repeal it; for I think, now, as I did when I brought in the Bill, that a complete civil register, where those accounts may be kept and searches made, is a most important matter to this country; and it is an advantage of which no civilised nation ought to be deprived. The object of Parliament ought not to be to limit or repeal such an Act, but to improve and extend it.

An HONOURABLE MEMBER. — Does the Noble Lord mean to persevere in the charges made by him against the clergy of the established church?

LORD JOHN RUSSELL. — Perhaps it is a small proportion of the whole body who have shown this hostility to the Registration Act; but I must say that what I have imputed to them has taken place in several instances.

Mr. GOULBURN. — I rather think the Noble Lord is mistaken as to the nature of the exhortations of the clergy to their parishioners. The exhortations, I believe, were, that the people should not suffer the new law to prevent them bringing their children to church to be baptized.

The ATTORNEY GENERAL.—I can confirm the statement of the Noble Lord as to the hostility of the established clergy to this Act. I have been consulted by some persons whom a clergyman refused to marry, in pursuance of a certificate from the superintendent registrar. No indictment has been brought against that clergyman, and I hope none will be necessary; but the clergyman so persisted in his refusal, — and forbearance must, at length, have an end.

SIR R. INGLIS. — Will the Honourable and Learned Gentleman allow me to ask him, whether he considers the Act is imperative in requiring the ministers of every denomination to perform the ceremony of marriage under the certificate of the superintendent registrar?

The ATTORNEY GENERAL. — If the Honourable Baronet will consult the Act, he will see that there is an express injunction, that, on the certificate being obtained, and presented to the clergyman, the ceremony of marriage is to be performed. And disobedience to the enactments of an Act of Parliament is an indictable offence, whether as regards a clergyman of the established church, or a dissenting sect.

LORD VISCOUNT DUNGANNON. — The Noble Lord (Lord J. Russell) has brought a charge against the clergy of the established church; and on being asked if he meant to persevere in it, I thought he did not appear to be disposed to stick to his text. I would suggest to the Noble Lord, that when he makes accusations of this nature against the clergy, something more specific should be brought forward than has been advanced to-night. I know one instance of a most meritorious clergyman, who found it necessary, on account of the delusion which prevailed among the people as to the effect of the new law, to

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remind his parishioners, that no human enactment ought to cause the sacred rites of the church to be neglected.

Mr. BAINES. — So far as I have had an opportunity of testing it, the Registration Act has operated most beneficially — especially in those districts where it is most important that we should have a correct registry, for the purpose of ascertaining the ages of children employed in factories.

Report further considered; amendments agreed to; Bill to be read a third time on Saturday.

EXCHEQUER OF PLEAS BILL.

Considered in committee, and reported, without amendment. — To be read a third time this day.

SOLDIERS' PENSIONS BILL.

Second reading deferred till Wednesday next.

HIGHWAY RATES BILL.

Read a second time, and committed for Monday next.

SUMMARY JURISDICTION BILL.

Committee deferred till this day.

FICTITIOUS VOTES (SCOTLAND) BILL. — HERITABLE SECURITIES (SCOTLAND) BILL. — REGISTRATION OF ELECTORS (SCOTLAND) BILL. — REGISTRATION OF LEASES (SCOTLAND) BILL. — WRITS (SCOTLAND) BILL.

Second reading of these Bills severally put off for three months.

METROPOLIS POLICE BILL.

Report deferred till Monday next.

STANNARIES COURTS (CORNWALL) BILL.

Committee deferred till Wednesday next.

SHANNON NAVIGATION BILL.

Second reading this day.

PUBLIC WORKS (IRELAND) BILL.

Read a second time, and committed for Wednesday next.

SHERIFF COURTS (SCOTLAND).

Mr. WALLACE. — Sir, I have a motion to make, of which I have given notice; but as there appear to be some considerable objections to it, I shall only move it, that it may appear in the votes, after being put and negatived. I therefore move, "That an humble Address be presented to her Majesty, that she will be graciously pleased to give directions that there be laid before this House a copy of the resolutions which have been prepared by the sheriffs of Scotland for prescribing rules and forms for sheriff courts, in terms of the 1st and 2d Vic. cap. 119., and which have been submitted to the Court of Session, as by law required, on or before the 12th day of March, 1839: — Also, Copy of certain reasons of dissent from the proposals contained in the aforesaid resolutions, which were sent to and received by the sheriffs from the Society of Practitioners before the Law Courts of Perthshire, and signed by James M. Patten, Esquire, the president of the said society."

Question put, and negatived.

MAYNOOTH COLLEGE.

LORD VISCOUNT DUNGANNON. — I rise to move for a Return, of which I have given notice; it is, "That there be laid before this House, a Return of the number of students in the Roman Catholic College of Maynooth, during the years 1835, 1836, 1837, and 1838; the number, if any, expelled during each or any of those years, specifying the cause of such several expulsions; also, the number who have, during the same period, received testimonials for ordination."

The CHANCELLOR of the EXCHEQUER. — I am not aware of the object of this motion; but I see there is another on the paper, which appears to be consequent upon it; and if a discussion is likely to arise, I will put it to the Noble Lord whether it ought to be brought on at this late hour? I would suggest that it should be postponed to another evening.

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LORD VISCOUNT DUNGANNON. I do not see that my motion is in any ıy connected with that of the Honourle and Learned Member for Dublin,— which, of course, the Right Honourable entleman refers,—or that it is at all supementary to it. I think the information at I call for is necessary; and I consider at I am perfectly justified in making the otion.

The CHANCELLOR of the EXHEQUER. — I object to the motion on ther grounds. It moves for the names f persons of this college who have been xpelled, and the causes of their expulion. I think this is a return which we ave no right to call for.

SIR ROBERT INGLIS. — The College of Maynooth is supported by annual rant; and this circumstance creates a listinction between this college and other nstitutions, which are supported by prirate endowments.

The CHANCELLOR of the EXCHEQUER. — It is supported partly by private endowment, and partly by a public grant; and I think, if we were to call for a Return, such as that proposed by the present motion, it would be an interference which ought not to be permitted.

Motion, by leave, withdrawn.

LIEUTENANT COLONEL DURNFORD.

SIR E. KNATCHBULL presented a petition of Lieutenant Colonel Anthony William Durnford, complaining of having been dismissed from the office of Barrack Master at Chatham, and praying for inquiry. — To lie on the table, and to be printed.

RETURNS.

Publicans and Beersellers. — Return ordered —

Of the rental of the houses occupied by the publicans and licensed sellers of beer, in the several collections of England and Wales.

Return presented accordingly. — To lie on the table.

County Treasurers' Fee Fund (Ireland). — Return (presented 25th June) to be printed.

Adjourned at a quarter after one o'clock.

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HOUSE OF LORDS, Veneris, 28° die Junii, 1839.

APPEALS.

Shore *v.* Wilson. — Further and fully heard (the judges being present); and questions of law having been put to the judges, which they desired time to consider, the further consideration of the cause was adjourned *sinè die.*

Gwynne *v.* Collins (writ of error). — To be further considered on Thursday next; and judges then to attend, to deliver their opinions upon the questions of law propounded to them.

Tennant and Company *v.* Hamilton (pauper). — Petition of the respondent for an early day for hearing. — Read, and referred to the Appeal Committee.

CAMOYS BARONY. — BRAYE BARONY.

Committee for Privileges met; counsel further and fully heard on a special point (the judges being present); and questions of law having been put to the judges, which they desired time to consider, the committee adjourned *sinè die.*

The Lord Bishop of Peterborough took the oaths.

TEMPLER'S ESTATE.

Standing Orders Nos. 26. and 155. considered (according to order), and dispensed with; and Bill committed for Friday next.

LORD TEMPLEMORE'S (DUKE OF RICHMOND'S) ESTATE BILL.

Returned from the Commons, agreed to, with amendments; and Commons' amendments to be considered on Monday next.

MARQUESS OF CHOLMONDELEY'S ESTATE BILL.

Read a second time; and the Standing Orders Nos. 26. and 155. to be considered on Monday next, in order to be dispensed with; and the Lords summoned.

EARL OF STAMFORD AND WARRINGTON'S ESTATE BILL.

Reported specially, with amendments; a clause added; and Bill to be ingrossed.

WEGUELIN'S DIVORCE BILL.

Second reading (which stood appointed for this day) put off to Tuesday next; and the Lords summoned.

ROBERTSON'S ESTATE BILL — EARL OF DARNLEY'S (BISHOP OF RIPON'S) ESTATE BILL. — HODSON'S ESTATE BILL.

Returned from the Commons, agreed to.

House adjourned during pleasure, and resumed by the Earl of Shaftesbury.

House adjourned during pleasure, and resumed by the Lord Chancellor.

QUEEN'S ANSWER TO ADDRESS OF TUESDAY LAST.

Reported.

BALLOCHNEY RAILWAY BILL. — NORWICH TONNAGE BILL.

Returned from the Commons, with the amendments agreed to.

LONDON AND BLACKWALL COMMERCIAL RAILWAY BILL.

To be read a second time on Tuesday next.

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PETERBOROUGH GAOL BILL.

Read a third time, with the amendment; passed, and sent to the Commons.

PATENT WHITE LEAD COMPANY BILL.

Reported, with amendments.

ITCHEN BRIDGE AND ROADS BILL.

Reported, without amendment.

DEPTFORD PIER BILL.

Reported specially from the Standing Order Committee, and leave given to proceed with the Bill.

MANCHESTER AND BIRMINGHAM RAILWAY BILL.—MONKLAND AND KIRKINTILLOCH RAILWAY BILL.—LIVERPOOL CHURCHES BILL.

Read a third time, with the amendments; passed, and sent to the Commons.

SOUTH EASTERN RAILWAY (No. 2.) BILL.

Read a second time, and committed for Monday next.

POSTAGE.

The EARL of ROSEBERY, the EARL of HARDWICKE, EARL FITZWILLIAM, and LORD REDESDALE presented petitions for reduction of the rate of, — of clergy, gentry, merchants, and others of Sudbury: of the minister, churchwardens, and others of Misterton: of the president, treasurer, secretary, and members of the Chamber of Commerce, and others of Sheffield: of members of a society of Protestant Dissenters of the Independent denomination at Sheffield: and of inhabitants of Swaffham Bulbeck; Arnold; Strathaven, parish of Avondale; and Swaffham Prior. — Read, and ordered to lie on the table.

Also, a petition of the Chamber of Commerce and Manufactures of Edinburgh. — Read, and ordered to be received as the petition of John Cracy (chairman), who, only, has signed it.

POOR LAW AMENDMENT ACT.

On the motion of the DUKE of RUTLAND, an Address ordered for — Returns showing the weekly diet of several independent labourers in the counties of Leicester, Lincoln, and Cambridge: And, also,

Returns from several parishes in the counties of Cambridge and Suffolk, of the number of pauper marriages and of illegitimate births in stated periods before and after the operation of the Poor Law Amendment Act.

JUDICIAL COMMITTEE.

LORD BROUGHAM presented a Bill "to amend an Act of the fifth and sixth Years of the Reign of King William the Fourth, intituled, 'An Act to amend the Law touching Letters Patent for Inventions.'" — Read a first time; and to be printed.

BILLS OF EXCHANGE BILL.

The MARQUESS of LANSDOWNE. — In moving the further consideration of the Bills of Exchange Bill, I beg to call the attention of your Lordships to the amendments which I have proposed. In one of the clauses, as it originally stood, the Bill extended only to Exchequer bills, Bank annuities, Bank stock, and South Sea stock; but I now propose to add the words "or any goods and merchandise, or warrants, or bills of lading." This proposed addition stands upon the same principle with the words originally introduced into the clause, — namely, the principle of giving to the parties whom this Bill is intended to relieve, every facility in the negotiation of their securities. Without these additional words, commercial houses might stand in need of relief, and yet not be able to obtain it; for instance, one house might be enabled to give a large amount of Exchequer bills, another South Sea stock, whilst a third might have *in transitu* many hogsheads of sugar, and a fourth might have a number of warrants or bills of lading; — now, would it be consistent with justice to deny to the last two houses the advantages given to the two former? If the object be, to have as little usury as possible, would not the denying this relief tend to increase the amount of usury? The desire of your Lordships, and the principle of this Bill, are — to give every facility to commercial houses; but you will not do so, unless you enable them to pledge, at pleasure, every description

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of floating property which they may possess. The benefit of such kind of advances cannot be sufficiently appreciated, without being cognizant of the pressure from which the city of London and other large towns will be relieved by the present Bill. I can satisfy your Lordships of the importance of these advances, by stating to you, that one of the first houses in this country, which I am able to name, was on the point of giving way in the crisis that occurred three years ago, but was saved by means of advances to an enormous amount from the Bank of England, though made only after much doubt and hesitation; and if that house had fallen, it would have involved in its ruin one half of the houses in Lancashire. In my opinion, your Lordships ought to enlarge the operation of this Bill so as to include every species of security.

LORD ELLENBOROUGH.—I merely rise to propose a verbal amendment. I would suggest the substitution of the word "or" between the words "goods and merchandise," for the word "and."

The amendments were then agreed to, and the Bill passed, and sent to the Commons.

CHURCH DISCIPLINE BILL.

On presenting petitions against, — of clergy of the archdeaconry of Colchester; of clergy of the deanery of Oundle; and of clergy of Wetherby, —

The BISHOP of EXETER said: — I beg to take this opportunity of stating to your Lordships, that, having had the honour of being placed on the Select Committee on the Church Discipline Bill, I attended its first sitting; but the very first vote having negatived the principle which I deemed essential, I have abstained from attending upon it any further, and must therefore disclaim all share of the merit of any amendments made by the committee, on the Bill which has been submitted to them.

SPIRITUAL SERVICES OF PARISHES BILL.

Read a third time, and passed, and sent to the Commons.

SCOTCH CHURCH.

The EARL of ZETLAND presented petitions for the further endowment of, — of the presbytery of North Isles, Orkney: of the minister, elders, and others of the Middle Church congregation of the Middle parish of Paisley: and of inhabitants of Livingstone and Rousay; and Egleshay. — Read, and ordered to lie on the table.

PRISONS BILL.

The MARQUESS of SALISBURY.— I wish to ask the Noble Viscount opposite, when it is his intention to move the second reading of the Prisons Bill?

VISCOUNT MELBOURNE. — On Thursday week.

EDUCATION (NATIONAL).

The BISHOP of LONDON presented petitions against the plan recommended by the Privy Council, — of the minister, churchwardens, and others of St. James's church, Ratcliffe, in the Tower Hamlets: and of inhabitants of Saint Mary, Woodford; Saint Lawrence Jewry, and Saint Mary Magdalen, Milk Street, London; Turvey; and Weston-Aston on Trent. — Read, and ordered to lie on the table.

SABBATH.

The BISHOP of LONDON. — I beg leave to present a petition from churchwardens and overseers of the parish of St. Clement Danes, Westminster, in favour of some measure for insuring a better observance of the Sabbath, and compelling publicans and keepers of beer-shops to close their houses from twelve o'clock on Saturday nights, to one o'clock on Sundays. I believe that many publicans are not opposed to, but rather desirous of, such an alteration in the law.

LORD BROUGHAM. — So long as any two or three publicans can keep their houses open, all are obliged to do so. What they want is, power to prevent any from opening; and so far from looking on this change as a burden, they would think it a protection, for it would enable them to do safely what they wish to accomplish. There is a difficulty in the case of inns, which could not be conveniently shut up. However, I think that difficulty might be got over.

The BISHOP of LONDON.—I should like to see a stop put to Sunday trading altogether; and, as the question is one filled with legal difficulties, I do hope that the Noble and Learned Lord will consider

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and bring forward some measure to fect the wishes of the publicans.

LORD BROUGHAM. — From the ɔtes of another place, it appears that ere are great objections, there, to any easure of the kind. If the same good ɔirit existed in the other House as among ɔur Lordships, on this subject, I would illingly take it up. As it is, I will give ıe matter my best consideration.

The MARQUESS of SALISBURY. - I should be glad to know what the oble and Learned Lord intends to do ith respect to his measure on this sub- ect? I see, by accounts of what has assed elsewhere, that they are making a ew Beer Bill.

LORD BROUGHAM.—I cannot know hat they are doing elsewhere; but still, ntil we know what they shall have done n the other place, it may not be conve- ient to go on with the measure, here. I nderstand that there is a strong dis- osition, in a great body elsewhere, in upport of the principle of the Bill. Now, f I cannot get all I wish on this subject, am disposed to take all I can get, and I hink it better to wait to see what may be lone. If those in another place do not lischarge their duty, or if there be bad or hasty legislation, there, that will be a tronger reason for this House being strict n the performance of its duty. Probably I shall move the Beer Bill on Friday next.

The recommitment of the Bill was then, accordingly, fixed for Friday next; and the Lords summoned.

JAMAICA BILL.

The MARQUESS of NORMANBY. — I intended to have moved the Order of the Day for the second reading of the Jamaica Bill; but, as I now understand there is to be a discussion on that stage, I will postpone the second reading till Monday next. I trust, however, that an early day will be fixed for going into committee; as it is desirable that, on so important a subject, the people of Jamaica should not be left in doubt.

The EARL of HAREWOOD. — I would suggest that your Lordships might go into committee on the Bill on Tuesday, if the Noble and Learned Lord, who has a motion for that day, would consent to postpone it.

LORD BROUGHAM. — I have no objection to comply with the request; but I hope that it will be understood, both in this House and in the country, that I do not give up my intention of moving the second reading of my Education Bill. It is better, however, to prevent anything intervening between the discussions on the Jamaica Bill; and I will, therefore, name Thursday for my motion.

JAMAICA.

Order of the Day for the second reading, and the Lords summoned; and for hearing William Burge, Esquire, agent for the Island of Jamaica; and also for hearing counsel for planters, merchants, and others interested in the colony of Jamaica, against the Bill, read. Counsel accordingly called in; and Mr. Burge, for the Island of Jamaica, addressed the House as follows: —

My Lords, I have the honour of appearing at your Lordships' bar as the agent of the Legislature of Jamaica, to defend that Legislature, and the people whom it represents, against the renewed attempt of her Majesty's Ministers, by the Bill now under your Lordships' consideration, to subvert their constitution.

My Lords, I say that this Bill does subvert the constitution of Jamaica, because it virtually suspends the functions of the Assembly, the popular branch of its Legislature; because, although it professes to leave the Assembly in the nominal exercise of those functions, yet it renders their exercise utterly incompatible with the existence of that body as a free and independent branch of the Legislature. My Lords, it does, then, subvert the constitution of Jamaica, and it does deprive the people of that colony of a form of government which they have enjoyed for nearly two centuries, and to which they consider themselves entitled as British subjects.

My Lords, the punishment which this Bill inflicts on the people of Jamaica, is, indeed, a heavy and severe punishment. They must have committed some heinous crime which merited it. The Bill before your Lordships — it might be expected — distinctly specifies in its preamble the nature of that crime, and her Majesty's Ministers are prepared to substantiate that crime by full and satisfactory proof. But, my Lords, there is no crime charged by the preamble against the people of Jamaica, because no crime has been committed by them. There is, indeed, a pre-

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text assigned, in the preamble, as the ground upon which your Lordships are called upon to pass the Bill, — but it is a pretext which, under any circumstances, would not justify the punishment which this Bill inflicts: still less can it justify this Bill, when that pretext has been created by the conduct of her Majesty's Ministers themselves.

My Lords, the perseverance which her Majesty's Ministers have evinced in determining to supersede the Assembly of Jamaica, I should have been disposed to have attributed to that appetite for change in established institutions, which has been the disease of the last few years; but then, indeed, I found I could not attribute the change which this Bill would effect, to that appetite, because that was an appetite for a change professing to correct existing institutions, because they were supposed to be not sufficiently popular, and in their place to substitute institutions more popular. But the change to be made, now, is of a totally opposite character, and exhibits, indeed, an inconsistency, certainly not of so rare occurrence as on that account to excite surprise, whatever other strong feelings it may excite on account of the extent to which that inconsistency is carried.

My Lords, the proposed change would supersede a popular Assembly, and, in its stead, create a new and despotic form of government. I know not, therefore, to what cause it is to be attributed, unless, indeed, I am to suppose that either her Majesty's Ministers, themselves, are, or they suppose your Lordships to be, imperfectly acquainted with that constitution which it is the object of this Bill to destroy.

My Lords, I pray your Lordships' indulgence for a few moments, while I tell your Lordships what is the constitution which Jamaica possesses. I will tell you, my Lords, what that constitution is in the emphatic words of Mr. Burke, in speaking of the other colonial Governments in North America. Jamaica possesses "a constitution which, with the exception of the commercial restraints, has every characteristic of a free government. She has the express image of the British constitution — she has the substance — she has the right of taxing herself through her representatives in her Assembly — she has, in effect, the sole internal government of the colony." My Lords, Jamaica could have no other constitution consistently with the law and constitution of Great Britain, because those who were the inhabitants of that colony, when it was acquired by Great Britain, were not conquered Spaniards, — for none were then remaining in the colony, — but they were Englishmen. They carried to Jamaica the right of Englishmen, — the rights, too, of the British constitution, — the right, therefore, to a form of government which was based and founded upon the first principles of the British constitution.

My Lords, the original settlers of Jamaica, when they ceased to have a voice in making the laws of England, of necessity must possess, in the country where they had settled, a voice in making those laws by which they were to be governed, and in imposing those taxes and burdens which were necessary for the support of their civil government.

But, my Lords, the constitution of Jamaica, and its form of government, did not rest, alone, upon this title, high and paramount as it is. It is expressly recognised and confirmed by the proclamation which was issued by Charles II. in 1661, shortly after his restoration; and by that proclamation it is expressly declared, that "All children of any of the natural-born subjects of England to be born in Jamaica shall, from their respective births, be reputed to be, and shall be, free denizens of England, and shall have the same privileges, to all intents and purposes, as the free-born subjects of England."

My Lords, the Governor who was appointed shortly after that proclamation was issued, carried with him instructions to convène an Assembly. An Assembly was convened, which, within a few years after this period, consisted of thirty-two members. At present it consists of forty-five members.

My Lords, it was the fate of that Assembly, a few years afterwards, to encounter, from the Ministry of that day, an attack, similar, in many respects, to that which is made on their constitution by the Bill now before your Lordships. A scheme was formed by the Ministers of Charles II. to govern Jamaica nominally by the Assembly, but, in reality, by means of laws previously framed in England, and sent out to the Governor to be presented to the Assembly, and their concurrence to be given, without any deliberation on the subject of those laws. In short, my Lords, the scheme was to introduce into the colony of Jamaica, Poyning's Law. My Lords, that scheme seems to have formed the model for the measure which is before your Lordships. In one respect, that scheme had a merit which the present does not possess, — it had the merit of avowing its purpose, of really doing that which it professed to do;

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hereas the peculiar character of the heme now before your Lordships is, at it does what it professes to abstain om doing — it does indirectly, that which does not do directly. By the circuitous eans of a Governor, with the aid of his uncil, it makes the Assembly a nominal irty in enacting, as laws, instructions or rections which the Colonial Office may, om time to time, transmit to the Go-ernor.

My Lords, I may venture to say that, all events, the Ministers of Charles II., proposing that scheme, acted in per-ct consistency with their professed prin-ples. They composed a Government ot professing liberal principles, and pro-osing arbitrary measures. Their Go-ernment contented itself with being nown only by its arbitrary acts. It did ot endeavour to obtain the aid of the rinciples which it professed, to carry easures directly opposed to those prin-iples.

My Lords, Lord Carlisle was the Go-ernor intrusted by that Ministry to exe-ute this scheme of calling upon the amaica Assembly to pass the laws which he Government, from time to time, sent ut. He was furnished with a body of aws; — he arrived in Jamaica in 1678. Ie proposed those laws to the Assembly f Jamaica. They were Englishmen, my ords; they knew the rights to which hey were entitled; — they had the ho-iesty to resist all the various means which ere resorted to for the purpose of pro-uring their compliance. They refused o pass any of those laws. The Governor esorted to measures of violence; he re-noved some, arrested and imprisoned ther judges and members of the council.)ne of them, whose name is well known n the history of Jamaica, was brought rom thence to this country as a prisoner. My Lords, the people of Jamaica did, in hose days, what is now considered a rime; — they appealed to their Sovereign gainst the arbitrary conduct of that So-ereign's Ministers. My Lords, their ate did not depend upon the will of the Ministers; — it was not left to the feel-ngs of wounded pride, or of disappoint-ment at a party defeat, to dispose of the nherent rights of the people of this co-lony. Their resistance to that arbitrary scheme, and their right to retain the free constitution which they had acquired, became the subject of grave and solemn deliberation before the Privy Council, at which the Chief Justice of England as-sisted. The result was, my Lords, that that scheme was abandoned. A new com-mission was sent to the Governor, Lord Carlisle. Under that commission, in 1680, the established constitution of Jamaica was again recognised; and it was declared that the Acts passed by the three branches of its Legislature should at once obtain the full force and effect of laws, and their operation should not be subject to be suspended until the Sovereign's pleasure was known. They were subject, of course, to disallowance by the Sovereign; but, until that disallowance were given, they remained in full force and effect.

My Lords, under the constitution of Jamaica, its Legislature consists of the Sovereign, represented by the Governor, a Council composed of twelve persons, and an Assembly consisting of forty-five persons, returned by the freeholders of the different districts. These are the three branches by whom those laws were to be passed, to which that effect was given, both by the original proclamation of Charles II. in 1661, and by the subsequent commission which was granted in 1680.

My Lords, there arrived another memorable period in the history of Jamaica, in the year 1728. There had been an attempt, for some few years preceding, to obtain from the Assembly of Jamaica a permanent revenue. The Assembly refused to grant their supplies, except from year to year, unless they were secure of their appropriation to the service of the island. In the year 1728, that contest between the Crown and the Assembly of Jamaica was terminated by the Crown giving up, on its part, the title to the quit rents of the colony; and, on the other, receiving a permanent revenue of 8000*l.* per annum: but the special purposes to which that sum was appropriated, were named in the very Act by which it was granted. That law continues in force; and it contains an express provision that all the "laws, statutes, usages, and customs of England, shall continue the common laws of his Majesty's Island of Jamaica for ever."

My Lords, there is one other period to which I must advert, because it terminated in an important law, — not, indeed, applicable to Jamaica exclusively, but to all our colonial possessions. I mean, my Lords, the Act which was passed in 1778, to restore to the colonies that confidence in the justice and the protection of the parent state which had been, unfortunately, forfeited by the unnatural contest in which Great Britain had been previously engaged with her colonies in America. That Act, the 18th of Geo. III. chap. 12., expressly enacts and declares, that neither the Crown nor the Parliament of England would, at any time thereafter,

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impose any burden, tax, or duty upon the people of the colony, but left it to themselves, by their representatives, to do so. The only duties which the Imperial Parliament retained to itself the right of imposing, were those in respect of commerce; but the proceeds of those duties, so imposed, were only applicable to the purposes of the colony.

My Lords, those attempts to violate the fundamental principles of the constitution of Jamaica, which immediately preceded the year 1728, were attempts on the part of the executive Government alone. It says much for the Parliament of that day, whatever it may say for the Parliament of the present, that no House of Commons presented materials which could hold out an expectation that the Government would obtain its sanction to the adoption of those measures which violated the constitution of the colony.

My Lords, there have been, certainly, occasions in which Governors, sometimes from bad feeling, at other times from ignorance or inexperience, have made attempts to deprive the Assembly of some of those privileges which were essential to the efficient discharge, by that body, of their legislative functions.

My Lords, I shall call your Lordships' attention, in a very few words, to some of those attempts; because it seems to me they may furnish a very useful lesson as to the course which should be adopted by Governors and Secretaries of State upon similar occasions, and because they also show that the course which the Assembly of Jamaica adopted in 1838, and which is made the pretext for depriving them of the free exercise of their legislative functions, is precisely the course which the Assembly adopted on former occasions, when there had been an interference with their rights; and which course, so far from calling upon the Government for condemnation, did not even interpose an obstacle to their rendering to the Assembly full and complete reparation.

My Lords, in 1764, a very distinguished person, who was then Governor of the island,—Mr. Littleton,—attempted to deprive the Assembly of Jamaica of a privilege belonging to that body, and essential to the effective exercise of its functions. In his character of Chancellor, he discharged two persons who had been committed by the House of Assembly for a breach of their privileges. The House of Assembly, upon ascertaining that fact, came to a resolution by which they declared, that that act of the Governor was a breach of their privileges; and that, until a reparation had been made, they would not proceed to transact any further business. Such was the language of the resolution of the House of Assembly in 1765.

My Lords, Mr. Littleton prorogued the Assembly — dissolved the Assembly — convened another Assembly — prorogued it — and dissolved it; — and in that state did the colony of Jamaica continue till the 24th of June, 1766, — a period of two years, — when Mr. Littleton was recalled, and Mr. Elliston was appointed the Governor. One of the first acts which he was directed to perform upon his assuming the administration, was to convene the Assembly, to acknowledge the breach of privilege committed by his predecessor, and to express, on behalf of his Sovereign, the condemnation of the breach of privilege. The Governor, under those directions, in the presence of the Council and the Assembly, called before him the Registrar of the Court of Chancery, and erased from its records that proceeding of Mr. Littleton, by which, in his character of Chancellor, he had discharged those persons who had been committed by the House of Assembly.

My Lords, in the following year the Government made an application to the Assembly to be reimbursed those advances which the Treasury had made, in consequence of the suspension of the sitting of the Assembly for two years. The Assembly refused to accede to that application. "The intermission," said the Assembly, "which has taken place in our sittings, has been occasioned by the conduct of your Governor. We can be called on to discharge those burdens only which we have consented to impose on ourselves, and which are applicable to the purposes of the island. We have not authorised him to draw on the Treasury; we cannot sanction Mr. Littleton's conduct; it would afford an example the most dangerous. A Governor might, with impunity, invade the rights and privileges of the Assembly, if the Assembly provided for those sums which had been advanced without their authority, whilst his conduct had deprived them of the exercise of their legislative functions." In the subsequent Session the Government renewed the application; the Assembly persevered in their refusal; and the Government abandoned the claim.

My Lords, another instance occurred in the year 1808, at the commencement of the government of the Duke of Manchester. The Assembly claimed, as an essential part of their constitution, the right to examine witnesses at their bar, or before their committees. A gallant officer, Major General Carmichael, who was then

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the commander-in-chief of the forces in the island, considered that it was not proper for him to appear before a committee. The Duke of Manchester expressed his concurrence in this view. The House of Assembly came to a resolution nearly in the language of the resolution of 1838, that the refusal of that officer to appear, and the conduct of the Governor in sanctioning that refusal, was a breach of the privileges of the House, and that they would proceed to no business until reparation had been afforded them. My Lords, the Governor, the Duke of Manchester, prorogued the Assembly, and referred to the Government here. My Lords, the subject was much discussed by the Government. Their decision was, that the interference, on the part of the Duke of Manchester, and the refusal, on the part of General Carmichael, were not warranted by the principles of the constitution which the people of Jamaica possessed; and the Duke of Manchester was directed to convene the Assembly, and make adequate reparation. He did so. That reparation was made; and it was met in the spirit in which every attempt towards conciliation by the Government in this country has been met by the people of Jamaica. It was met more than half way; they called General Carmichael before them, to assert their right, but forebore examining him at all.

My Lords, an instance occurred in 1836, in which another attempt was made to interfere with one of their rights, — with the freedom of debate. The Marquess of Sligo, then the Governor, took upon himself to send down a message to the Assembly on the subject of a Bill which was then pending between the Assembly and the Council. The Assembly expressed their determination, in the same language as they used in 1838, to abstain from any business whatever, until reparation had been made to them. This took place on the 2d of February, 1836. The Marquess of Sligo persisted in asserting that he had been guilty of no breach of the privileges of the House, — that he was right. He prorogued the Assembly; the Assembly again met; he continued to maintain his former assertion; the Assembly renewed their resolution. An appeal was then made to the Government; and Lord Glenelg appears to have received, on the 19th of March, a statement of this proceeding on the part of the Marquess of Sligo; and, on the 31st of the same month, he addressed a despatch to the Marquess, in which he distinctly stated to him that he had been guilty of a breach of the privileges of the House, and called upon him to make reparation. He did make that reparation frankly; it was met by the Assembly; they, at once, expressed themselves perfectly satisfied with it, and then proceeded with their functions. "We are perfectly satisfied," they say, "with the reparation which your Excellency has offered for the breach of our privileges which led to the late prorogation of the Assembly."

Now, my Lords, what is the neeessary effect of these attempts, on the part of the Government, to interfere with the rights and privileges of the Assembly of Jamaica, and the success which attended the resistance of that body? My Lords, it has taught the Assembly of Jamaica to be jealous of their rights and privileges. It has also taught them to maintain those rights and privileges with uncompromising firmness. My Lords, I ask your Lordships to bear this in recollection, when you examine the proceedings which took place in 1838, and the resolutions which they then adopted, and which are made the pretext for those measures by which their constitution is to be subverted.

My Lords, such is the history of the constitution of Jamaica. Under that constitution, this great colony has prospered. It comprises, as your Lordships are aware, at least one half of the population of all your West Indian possessions. It gives you in imports into this country 4,000,000*l.*; it receives from you in exports from hence nearly 3,000,000*l.* Well did it merit the description which it received from that great naval hero, Lord Rodney, — "It is the brightest jewel in the British diadem." Against the constitution of that colony her Majesty's Ministers have directed their attack. My Lords, the measure which they first adopted to effect this purpose, openly and undisguisedly suspended the functions of the Assembly for the term of five years, and transferred those functions to the Governor in council. It thus united the whole Legislative and Executive Council in the same body. It gave to the Governor the power to raise and to dispose of the revenue of that colony, and to disburse its expenditure, to the amount of 500,000*l.* He was, indeed, to be aided by two or three salaried commissioners, sent from this country under the appellation of councillors, nominated by the Crown. This part of the arrangement did not, nor was it necessary that it should, appear upon the face of the Bill, inasmuch as the Crown, by virtue of its own prerogative, would appoint those persons. That appointment being thus made, the Bill

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amply provided the means by which those same three commissioners, having sat in judgment upon the merits of their own services, might, in conjunction with the Governor, levy the taxes by which they might pay themselves the salary they had found their services had merited.

My Lords, I am grieved to say that this measure was introduced into Parliament without any previous intimation to the Assembly. As early as the 10th of December in the last year, the Government became acquainted with the resolutions which were considered to have offered a ground upon which the measure could be sustained. My Lords, it was the desire of the person who has now the honour of appearing at your bar, to obtain, in his character of agent, from the Government, some intimation of the course which was intended to be pursued by them in consequence of those resolutions, before they came to any decision upon it. My Lords, the agent was apprised of this Bill, which was to suspend the constitution of his constituents, a few hours before it was introduced into the other House of Parliament, and the very day after the packet had sailed, and when, of course, fourteen days must elapse before he would have an opportunity of conveying any intimation of it to his constituents in Jamaica. My Lords, one evil has resulted from that course. As the persons with whom that agent corresponds, — the Committee of Correspondence, — are the Members of the Council, and all the Members of the Assembly, an opportunity was lost to the Government of knowing the views and sentiments which were entertained by the Assembly upon the particular measure which the Government were about to introduce, and the opportunity was lost of enabling their representative to state to you what the course was which they would take upon all the ulterior measures which the Government might think proper to adopt.

My Lords, that measure was opposed by the great body of the Jamaica proprietors in this country. There were some, unquestionably, who supported that measure; but, my Lords, it is no disrespect to them to say, that neither in numbers nor in the value of their interests did they bear any proportion to those who had a clear, decided conviction, that this measure was injurious to all classes of the community in Jamaica, and who, for that reason, opposed it.

My Lords, when this measure was originally proposed, the real reason for its adoption, as it was avowed everywhere but in the preamble of the Bill, was, that the existence of Legislative Assemblies was incompatible with the recent emancipation of the negro population. Short-sighted men! Did they, indeed, flatter themselves that such a reason could long stand the test of public feeling or of public judgment? Could they expect, my Lords, that the people of England would endure, after the noble sacrifice which had been made to effect the great measure of emancipation, to be told that, although they had granted to the negro population the rights of freemen, they could not safely give them the political rights to which, as freemen, they were entitled? My Lords, would the people of England endure that it should be held out to the States of America, as the doctrine of England, that if they emancipate their three millions of slaves, they must abolish their representative form of government? My Lords, the people of Jamaica, themselves, never harboured the design; the great body of Jamaica proprietors in this country repudiated the design of withholding from the emancipated population any of the political rights to which freemen are entitled.

My Lords, when, in the discharge of my duty, I was heard elsewhere against this measure, I disclaimed any such design. I disclaimed, too, any apprehension on the part of the Assembly of Jamaica, that the interests of the other classes of the community could be prejudiced by admitting the emancipated population to the exercise of those franchises which other freemen enjoyed under the law. My Lords, the original reason for proposing this measure had been avowed with so little reserve, that the Emancipation Society actually menaced an opposition to this Bill; for they considered it directly injurious to the rights of the emancipated population. My Lords, when that opposition was menaced, — and when, my Lords, I had ceased to be in a position to be heard in defence of the Assembly and people of Jamaica, — this reason was abandoned; the only pretext which was assigned in the Bill was abandoned. A new motive was suggested for this measure; it was said, "Annihilate the Assemblies, because you cannot intrust them with legislation for the emancipated population."

My Lords, what can be the *information* which they possess respecting the constitution of Jamaica, who could either raise or attend to this senseless cry? My Lords, the Assembly cannot legislate; the Assembly is only a single branch of the Legislature of the colony; and if the legislation of the Assembly is not that which

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s adapted to the new state of society, — if here be in it that which there is any pre-ext for saying savours of injustice or op-›ression towards the emancipated popula-ation,—there are two checks in the colony ›n that legislation,—two authorities which :an be interposed to correct or prevent it, — and there is, ultimately, the watchful ›ye of the Colonial Minister in Downing Street, who, by his advice, recommends the Sovereign to disallow any laws which ought not to be passed.

My Lords, nothing more completely proves how hollow and unfounded was this pretext, than the fact, that there are sixteen colonies having Legislative Assemblies, and that, in several, there are wanting laws upon many subjects which are deemed essential. But if the objection were just, that legislation could not take place with due regard to the emancipated population, in consequence of the previous relation in which the different classes of society stood towards each other, this Bill ought to have extended to all other colonies. Parliament should have been called upon to sanction a principle applicable to all, and this Bill would not be confined to Jamaica alone.

My Lords, it was the fate of that measure, in consequence of a very unequivocal expression of the opinion of the House of Commons, to be abandoned by her Majesty's Ministers. My Lords, after the abandonment of that Bill, which, upon the face of it, professed to do that which constituted the objection to it, and that which influenced its abandonment, — namely, that it suppressed the Assembly, and suppressed a new and despotic form of government, — it does pass all comprehension that there should have been entertained by Parliament this new Bill, which effects the same purposes, — not, indeed, openly, — not, indeed, in terms, but in substance and in effect. My Lords, I defy the wit of man to point out in what respect the present Bill differs from that which the Government abandoned, except that there is wanting in it the honesty and candour to avow the purpose which it means to accomplish — the wrong which it means to inflict upon the people of Jamaica.

My Lords, before I call your Lordships' attention to the particular characteristics of this second Bill, I beg to state to your Lordships the proceedings which took place upon the abandonment of the former Bill. My Lords, the great body of Jamaica proprietors in this country, who had offered their opposition to that measure, and had resolved to oppose it in every stage of its progress through Parliament, were again assembled; and, in that hour of success, they repelled, by their resolutions, the insinuation which had been made, and the calumny which had been circulated,—that they were looking to a triumph, in the possibility that bad legislation might be retained, and good legislation prevented, — that they had no feeling, and no consideration, but for their own personal interests, — and that, to the real effect of this Bill, which was a disfranchisement of the negro population, as well as of the other classes of the community, they were indifferent. My Lords, they adopted the following resolutions on the 10th of May: —

Resolved, — 1st. That this meeting, anxious to protect the rights of the emancipated population of Jamaica, no less than those of the other classes of the community, disapprove of the late Bill, which would have deprived the emancipated population of those elective franchises which, from the small value of the qualification, and the facility of its acquisition, might be, and are, so completely within their reach. And they all disapprove of that Bill, because, among other things, it would inevitably have excited the distrust of the emancipated population towards the other classes of the community, by the disparagement and degradation to which it would have subjected those classes, and thus obstruct the beneficial working, and endanger the successful issue, of the great measure of emancipation.

2d. That this meeting feel very anxious that the Legislature of Jamaica should be guided by that spirit which will best secure the successful issue of the great measure of emancipation, but maintain the principle, that the people of Jamaica are free inhabitants of a free country, and equally entitled to enjoy every benefit of the British constitution, and thus most effectually realise the reasonable expectations of the people of this country.

3d. That this meeting declare their confident belief that the desire to avoid every act of oppression towards the emancipated population, and to preclude every step which might create a distinction to their prejudice, is entertained by, and will influence, the Assembly and inhabitants of Jamaica.

4th. That this meeting will cordially and earnestly co-operate in promoting and encouraging, amongst their fellow colonists in Jamaica, the foregoing principles, and in cultivating amongst them those feelings of confidence and conciliation which best maintain the relation between a colony and the parent state, and can alone insure the mutual prosperity and happiness of both countries.

My Lords, these resolutions were communicated to her Majesty's Ministers. On the 14th of May, at the earliest possible moment after the reappointment of the Government, I sought an interview with the Colonial Secretary. I earnestly implored the Government to avail itself of the opportunity afforded by the sailing of the Jamaica packet on the succeeding day, and, without any further

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attempt to obtain the interposition of Parliament, to appeal, in a spirit of frankness and conciliation, to the Assembly of Jamaica, to rely upon the co-operation which the resolutions imported the Government would receive from the great body of proprietors here, which they had promised to give, and which they would give, by the packet, and to leave the Assembly to resume its legislative functions; and to confide in the expectation entertained by those who waited as a deputation upon the Ministers, that the Assembly would at once resume them, as they had done upon former and similar occasions. My Lords, that application was renewed,—but renewed without effect. It was determined by the Government to adopt parliamentary legislation.

My Lords, I deeply regret this determination. There were numerous considerations to have restrained the Government from taking it, and to have induced them to adopt that course which we recommended.

My Lords, in adopting that course, they would have had an abundant justification, in the sense which had been expressed by the House of Commons, upon the question of parliamentary interposition. They would have had an abundant justification, in the clearly-expressed opinion of a large body of Jamaica proprietors, that such a course would, alone, promote the interests of all classes of the community, and in the well-grounded assurance which the Jamaica proprietors gave the Government, that they had co-operated, and would co-operate, with their fellow colonists, in inducing them to meet, in a spirit of conciliation, a final and amicable adjustment of the misunderstanding between the Government and the Assembly.

My Lords, that earnest representation, on the part of the Jamaica proprietors, had no effect upon the Government. They introduced the Bill which now lies on your Lordships' table. My Lords, I have described this Bill as rendering the exercise of the functions of the Assembly of Jamaica wholly incompatible with the existence of that body as a free and independent branch of the Legislature. My Lords, there can be no difficulty in proving the correctness of this description. It gives, as your Lordships are aware, to the Governor, with the advice and consent of the Council, the power of enacting laws and ordinances on three specified subjects, if Acts of the Governor, Council, and Assembly, upon all or either of those subjects, have not previously been passed. Now, my Lords, those subjects are, in themselves, of great importance, both with respect to the details of the measures which ought to be adopted, and require the application of great local practical experience. Upon these details there may be much difference of opinion amongst persons equally desirous of attaining the same object. Upon these three subjects, then, the Assembly must proceed to legislate, with the knowledge that, if the Council should suggest any amendments in which the Assembly did not and could not concur, or if the Governor should not concur in the enactments which the Assembly and the Council might make, the power of legislation by the Assembly, upon those subjects, must cease, and become transferred to the Governor, who, with the advice of the Council, is to take, as models, certain Orders in Council for the Crown colonies, which have been passed in relation to those subjects—Orders in Council, my Lords, in all probability prepared by some learned gentleman in the Colonial Office, who has no notion whatever of Jamaica, except that which he might have derived from looking at the map on the walls of his office.

Now, my Lords, I ask, whether it ever before occurred to the mind of any statesman, to present to the British Parliament, for its sanction, a measure which armed each of the three branches of a Legislature with the power of destroying the entire Legislature, by destroying the third branch? My Lords, I suppose that the life, and soul, and essence of every branch of the Legislature is its free will; but where is the free will that the Assembly can possess or exercise, if they proceed to legislate, either after a previous communication with the Council, or with the Governor, to ascertain the particulars to which these two branches will assent? or if, after having expressed their own opinion by an enactment, to which the Council makes an amendment, they must surrender that opinion by yielding to the amendment made by the Council, in order to prevent that event arising, which is to enable the Governor to say, "There is no Act passed by the Governor, Council, and Assembly, because the Council has not concurred in the Bill passed by the Assembly, or I have not given my assent to that which has been passed by the Assembly, and assented to by the Council; I therefore enter upon the exercise of that despotic power which is delegated to me by this Act?" My Lords, I believe it to be unexampled in legislation, that you should arm a person with that power,—furnish him with a temptation to create the very occasion in which he is to ac-

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quire sole and exclusive power to himself, and destroy the concurrent power possessed by another branch of the Legislature.

My Lords, I have supposed each of the two branches of the Legislature, the Governor and Council, to be acting *bonâ fide*, — to be seeking for no opportunity to supersede the Assembly; although, my Lords, that is a supposition which I am bold, indeed, to entertain, after having heard the language of her Majesty's Government, that the time has arrived for putting an end to the Assembly; and notwithstanding I see a law passed to goad them to a crisis which will enable the Government to come down to Parliament, and say, "The Assembly will not proceed to legislate; and I call upon you, now, to put an end to the Assembly, and to create a new form of government." Here are forty-five practical men, having an intimate local knowledge of the colony; they enter into the consideration of each of the three subjects mentioned in the Bill, — namely, vagrancy, the relation between masters and servants, and the illegal occupation of land; they examine the provisions of the Orders in Council; they make a law adapted to the circumstances of the colony. The Council suggest an amendment, — that Council, your Lordships observe, being in communication with the Governor, knowing the views and instructions of the Colonial Office, and acting very frequently in compliance with the suggestion which the Governor gives them under the instructions he has received. Well, my Lords, the Assembly honestly believe that the amendment which the Council, at the instance of the Governor, or at the instance of the Government in Downing Street, have made, is not adapted to the circumstances of the colony, and that it would defeat the object they all have equally in view. The Assembly considers that it cannot make itself a party to an amendment of which it disapproves; the Council may maintain, with equal confidence, the correctness of their opinion, and the expediency of their amendment, although some of them — my Lord Bishop of Jamaica, or the Chief Justice of Jamaica, and others, the more immediate functionaries of the Crown — may not have the same practical knowledge of the country as the forty-five gentlemen in the Assembly. Still, they may adhere honestly to their opinion; they may refuse to withdraw the amendment; and the consequence would be, as your Lordships know, that the Bill would remain with the Council. The Bill has come up to the Council, but not being concurred in by the Council, it is not presented to the Governor for his assent; and the occasion then arises in which the Governor himself is to assume legislation, by passing a law upon the subject of that Bill.

He is then invested with that power. How, my Lords, are the Assembly to prevent it? They can only prevent it by surrendering their own judgment, and by acquiescing in an amendment which their conscience tells them may be injurious to the interests of those who send them as Members into the Assembly. My Lords, can this be called a free Legislature? Can you say the Assembly is left to the exercise of its legislative functions, when the exercise of them must be subject to the will — subject to the opinion and judgment — which the Council, acting perfectly *bonâ fide*, may have pronounced upon the matter?

But, my Lords, let me carry the case still further. This Bill will, in effect, introduce Poyning's Law, the object of the Ministry of Charles II. in 1687; circuitously, indeed, — but it will introduce it into Jamaica as completely and effectually as the commission of 1678 enabled Lord Carlisle to enforce that law. For what will the Governor do? The Council and the Assembly have both passed an Act; but the Governor has in his pocket his instructions from Downing Street, — instructions which tell that Governor not to give his assent to this or that Act, unless it has such and such provisions in it. Who is making the law, then, my Lords? The same authority which was to make it under the system of Poyning's Law, and under the system introduced into Jamaica by Lord Carlisle's commission; the Government in this country, the Secretary of State for the Colonies, and those to whom he surrenders his judgment, — all those persons in this country, be they the Emancipation Society, or be they any other persons who choose to come to Downing Street with their crude and rash legislation. The Governor must make that the model for the Bills which come up from Council and the Assembly; and to those only which are in accordance with that model is he to give his assent. Without imputing anything wrong to the Governor, but admitting him to be actuated only by the desire of strictly discharging his duty in conformity with the instructions he has received, this Bill arms the Government with the power of legislating, through his intervention, — a power which this Bill durst not give the Government, after the fate of the former Bill.

My Lords, the effect of this Bill is, then, I say, at once to leave the Assembly

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deprived of that, without which no branch of the Legislature would desire to have an existence. It is to leave them with a responsibility for acts of legislation over which, in truth, they have no control, no power; because, whatever control or whatever power they might be disposed to exercise, as the result of their own judgment, they must, in order to continue their legislation, surrender to the views of the Council or the Governor.

My Lords, this Bill, by allowing a branch of the Legislature to hold its existence, under such conditions and restrictions, possesses a character which makes it more injurious and oppressive even than that which the Government abandoned. To destroy an existing branch of the Legislature, openly and avowedly, is a less evil than to make it the instrument of its own destruction. My Lords, that is the effect of the present Bill; and your Lordships must see, from its enactments, that it leaves the Assembly in a condition so degraded, that if they continued to act — or rather professed to act — as a legislative body, there is no unfounded calumny by which that body has been attacked, equal to the reproach they would deserve to incur.

My Lords, the second clause of this Bill has all the objections which are applicable to the first clause; but it has objections, also, peculiar to itself, — objections, my Lords, which do not diminish the weight of the unanswerable objections which exist against the first clause; but, my Lords, they are objections in addition to those which oppose the first clause. My Lords, I believe it is the first time in the history of its legislation, that Parliament has been called upon to give a power to a body to revive and re-enact temporary laws which, for anything that appears upon the face of the Bill, Parliament knows nothing of. My Lords, is the Act to speak for itself? or is there to be a running commentary upon it by the Secretary of State for the Colonies? Because your Lordships, if you give effect to this clause, are empowering the Governor, with the advice and consent of the Council, to re-enact temporary laws, the nature of which you cannot know in the only way in which Parliament ought to know it, — namely, by a specification of those temporary laws in the Bill.

But, my Lords, there is another singular feature in this power to revive and re-enact temporary laws. *Primâ facie*, a temporary law is one which has passed *pro re natâ*. It is a law of experiment; it is intended to see how it will act. After that experience it may be found not necessary to re-enact it; it may be an unwise law, or it may require an amendment. But to re-enact a temporary law — your Lordships not knowing from this Bill how that temporary law will act — is in opposition to the presumption that, being a temporary law, it is not a law to be re-enacted, or to be re-enacted in its original state.

But, my Lords, there is another and a further objection to this second clause. Several of these temporary Acts are Money Bills. My Lords, by the 18th of George III. chapter 12., the King and Parliament of Great Britain, in the solemn language of that Act, renounced for themselves the power of imposing, by declaring that they would not impose, any duty, tax, or assessment, whatever, in any of the colonies; that power was left to the people of the colonies by their representatives in their Assemblies; yet, having renounced that power, — having declared Parliament would not exercise it, but leave it to the Assemblies, — Parliament is now about to resume that, by transferring its exercise to the Governor in council. My Lords, is not this clause, then, a direct infringement of the statute of the 18th of George III. cap. 12.? If Parliament do not retain that power, itself, I humbly ask upon what authority can Parliament delegate it to the Governor? What, my Lords, re-enact temporary Money Bills! The Assembly enjoys, and, from its first establishment, has enjoyed, the exclusive privilege of originating every Money Bill, and of exercising a complete, uncontrolled, and uncontrollable discretion as to the money which they will raise, and as to the purposes to which they will apply that money when it is raised. They will neither allow the Governor nor the Council to touch one of the Bills which the House has originated for either of these purposes. They maintain this to be their constitutional privilege. What, then, my Lords, are you doing by this Bill? The only person who is to exercise a discretion is the Governor, with the advice of his Council. My Lords, the Assembly may consider that the tax which was imposed in 1837, and which expired in 1838, in the altered circumstances of the colony, is not proper, — that the revenue may be raised by some other means; they may consider that it is not just to their constituents to burden them with a tax, which is either grievous in its amount, or improper as to the subject, or unequal: they, therefore, do not, in the exercise of their discretion, re-enact that tax. But what does this Bill enable the Governor to do? To re-enact

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it; — he has the absolute power of re-enacting it; — it is competent for him, with the advice and consent of the Council, to re-enact or revive either of those taxes.

But, my Lords, there is another extraordinary feature in this clause, and in the power which is given to the Governor of re-enacting these temporary Money Bills. Two thirds of the Money Bills of Jamaica contain specific appropriations to various persons of the sums which are raised under them; and, my Lords, the specific purposes of the expired Bill have been answered, — the creditors named therein have been paid. You are not going to re-enact the appropriation to pay the persons twice over. "No!" you say. Well, then, are you to leave the money which is to be raised under this Act unappropriated altogether? For what purpose do you arm the Governor in council with the power to raise the revenue, but leave him, as he will be left, to make an appropriation of that which he raises? The first clause of this Bill very speciously exhibits a most tender and scrupulous respect for the Act 18th of George III. cap. 12., in the concluding part of that clause where power is given to the Governor to make ordinances on the three subjects of vagrancy, masters and servants, and unoccupied lands. The Governor is not to impose any burden, tax, or duty, but merely a penalty for the non-observance of those ordinances. Now, my Lords, whether that provision be introduced for the purpose of showing that there really was a desire, or of inducing others to believe that there was a desire, on the part of the Government, to avoid any violation of the 18th of George III., or not, this is clear, — that no possible occasion arose under the first clause for imposing any burden, and there was, therefore, no necessity for referring to this Act.

But, my Lords, I thank her Majesty's Ministers for inserting that proviso in the first clause, because it carries with it the condemnation of the second clause, — for the second clause is in direct violation of the 18th of George III. cap. 12.

My Lords, if, then, no appropriation has been made by the Governor, — and no appropriation can be made by him, because this clause only authorises him to re-enact the former law, — this specimen of legislation has this other singularity, — that it gives the Governor power to raise the revenue, but does not give him power to appropriate it.

My Lords, such is the general character and effect of these two clauses; and now, my Lords, I ask, what is the pretext upon which Parliament is called upon to inflict that which I call a punishment upon the people of Jamaica? My Lords, the preamble tells your Lordships that the Assembly, on the 2d of November, addressed the Governor, and declared their determination to abstain from any legislative functions, except such as might be necessary to keep inviolate the faith of the island with the public creditor, — in other words, to provide the supplies, — and that, in consequence of that determination, there had been a cessation of the proceedings of the House. Now, my Lords, the terms in which the determination of the House was expressed upon that occasion, are to be found in the West India Papers: and it is not such a determination as the preamble represents it to be; the preamble omits a very important part of it, — an omission to the prejudice, certainly not of those by whom this measure is proposed, but to the prejudice of the Assembly. My Lords, the original Bill, as it was in the other House, had mistaken the day upon which the House met, — they proceeded to correct that date, — they referred to the Address for the purpose of doing so; but it is singular that they should not have seen that there was not only an error of date to correct, but another error of a more substantial kind. The determination was not, as the preamble states it, an absolute, unqualified abdication of the legislative functions of the Assembly, — it was not an absolute refusal to proceed to business at all, but a refusal to proceed to any other business in these terms, "except such as may be necessary to preserve inviolate the faith of the island with the public creditor, until they shall be left in the free exercise of their inherent rights as British subjects;" — and in the resolution which they adopted, and to which they adhered, their language is, "That they abstain from the exercise of any legislative functions, excepting such as may be necessary to preserve inviolate the faith of the island with the public creditor, until her Most Gracious Majesty's pleasure shall be made known, whether her subjects of Jamaica — now, happily, all in a state of freedom — are henceforth to be treated as subjects, with the power of making laws, as hitherto, for their own government, or whether they are to be treated as a conquered colony, and governed by parliamentary legislation," &c.

My Lords, the foundation of these proceedings is the Act of the British Parliament, intituled, "An Act for the better Government of Prisons in the West

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Indies." Now, my Lords, that Act, and the circumstances connected with it, I will very shortly bring under your Lordships' notice. Your Lordships are aware that, on the 5th of June, 1838, the Assembly of the colony was especially convened for the purpose of abolishing the apprenticeship. Upon that occasion, your Lordships are aware that the Assembly were placed in this position:—The organ of her Majesty's Government, her Majesty's representative, distinctly told the Assembly that it was impossible to continue the apprenticeship. "I pronounce it," he says, "physically impossible to maintain the apprenticeship with any hope of successful agriculture."

My Lords, the Assembly answer that Address in these words:—"Jamaica does indeed require repose; and we anxiously hope, that, should we determine to remove an unnatural servitude, we shall be left in the exercise of our constitutional privileges without interference."

My Lords, on the 16th of June, the Secretary of State for the Colonies received Sir Lionel Smith's despatch, inclosing to him that Address of the Assembly, and informing him that he might with confidence reckon upon the abolition of the apprenticeship. A Bill, in fact, had passed through the House of Assembly, and he detained the packet for the purpose of transmitting it to London. Now, my Lords, after that solemn appeal on the part of the Assembly of Jamaica to her Majesty's Government, and after the sacrifice they had made of two years of that apprenticeship, which formed a part of the compensation for the abolition of slavery,—the 16th of June was the day selected for the introduction into Parliament, of a Bill of complete internal legislation,—a Bill "for better Government of Prisons in the West Indies."

My Lords, that Bill was introduced without the slightest previous intimation to the agent of the colony. He heard of that Bill by mere accident. He earnestly remonstrated against the progress of that Bill. He pointed out to her Majesty's Ministers the manner in which it affected the internal legislation of the colony. He put upon the table of this House, as he did upon the table of the other House of Parliament, his protest against the unconstitutional character of that Bill. My Lords, it was passed through both Houses of Parliament, without any regard to that protest,—without any regard, on the part of her Majesty's Government, to the representations which had been made on the subject,—and with the forewarning given them, that the introduction of that Bill into Jamaica would produce those very consequences which have resulted from it—that the Assembly would deem it an interference with that constitution, which I have shown your Lordships they have possessed for nearly two centuries, and which, in all the attempts that have been made, has been respected by those who represented the executive Government in this country.

My Lords, on the 13th of August, the Act is transmitted to the colony, and on the 25th of September it is received by the Governor and is immediately proclaimed. Now, my Lords, I will take leave to say, that that is the first instance in the history of Jamaica in which a law was proclaimed in that colony. They have been governed by Acts of their Legislature. If there have been occasions in which there has been an interposition by Parliament in passing an Act, an opportunity has been afforded to the colonial Legislature of making the provisions of that Act its own law, by enacting them.

I have said, my Lords, that the Prisons Bill was a Bill exclusively of internal legislation. My Lords, the supreme superintending power of the Imperial Parliament over each and every part of the empire, is not denied. But it is not incompatible with that supremacy, that each and every part of the empire, to whom the constitution of this country has given a municipal form of government, has given a local Legislature, should retain legislation upon subjects and upon persons solely and exclusively in the colony. My Lords, the doctrine of the great statesmen who have considered this subject, would sanction me in putting it even upon higher grounds. The language of Mr. Fox upon the affairs of Ireland in 1782, of Mr. Pitt and Mr. Windham on the Bill of Sir Philip Francis for regulating the condition of the slaves in the West Indies, would justify me in maintaining this distinction between the supreme superintending power of the Imperial Parliament and the exclusive exercise by the colony of internal legislation, when that legislation was to affect only subjects and persons and property exclusively in the colony.

My Lords, that distinction has been respected by the usage of Parliament. The Bill introduced by Mr. Wilberforce, in the year 1815, to establish the registration of the slaves in the different colonies, was regarded by the people in the colony, and the proprietors in this country, as a direct interference with the right of internal legislation. Mr. Wilberforce, and those

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to whom he referred for advice upon the subject, abstained from further proceeding with that Bill. It was simply read and printed. But the course which was adopted upon that occasion, by the Assembly of Jamaica, when it was perceived what was the feeling which prevailed amongst their own friends and the numerous class of persons, here, who were entitled to their respect and attention, — that course was to pass a Registry Act, embracing all the details which were deemed necessary for the purpose contemplated by Mr. Wilberforce.

My Lords, another instance occurred in the year 1819. An Act was, in that year, passed by the Imperial Parliament, which required that deeds affecting slaves should contain the names of the slaves, according to the registration of them in the colony. Now, it is important that your Lordships should observe that this Act confines legislation to persons and subjects exclusively within Great Britain. It does not extend to deeds in whatever place they are executed, but applies exclusively to such deeds as are executed in the United Kingdom. It left untouched, it does not profess to apply to, such deeds as are executed in the colony.

My Lords, the abolition of the slave trade, in 1807, stood upon perfectly distinct grounds. It was a subject of trade. This was the ground on which Mr. Pitt said, "the abolition must be by the authority of Parliament; in short, it is a subject upon which no colonial Legislature is competent to legislate."

The abolition of slavery, in 1833, by the authority of the Imperial Parliament, proceeded upon a compact with those who were interested in slaves in the colony, — they, on the one hand, receiving, in consideration of the abolition, a compensation; the Parliament, on behalf of Great Britain, on the other hand, paying that compensation. It was a case, therefore, of compact. But, my Lords, even that Act of Parliament left to the colonial Legislature, in the first instance, the power of enacting all the details, for the purpose of carrying out that measure.

My Lords, another instance occurred, — and it is a valuable instance for the purpose of marking the principles upon which the Parliament have proceeded, and of showing what the usage of Parliament has been. In the year 1836, the Government introduced a measure for altering the courts of judicature in all the West Indian Islands, except Jamaica. That was a measure exclusively for legislation by the Imperial Parliament, because no single Legislature in the colony could make provision for the exercise of the judicial power which that judicature was to exercise in another colony; but even in that Act, there is a scrupulous regard for the rights of those Legislatures. Nothing was done by the Imperial Parliament beyond what was absolutely essential for the purpose of doing that which could not be done by the colonial Legislature itself.

My Lords, there are, then, the opinions of statesmen, and the usage and practice of Parliament. My Lords, this would be authority enough. But there is one authority which I must take leave to detail to your Lordships, because it is an authority emanating from the very Government — from the Secretary of State, himself — who introduced the Prisons Bill.

My Lords, in consequence of that prorogation of the Assembly, which took place by reason of the breach of privilege committed by the Marquess of Sligo, in 1836, an Act in aid of the abolition law had expired. Parliament passed an Act, not to revive an expired Act, — not to revive an expired Act without giving its name or its object, — but to revive this specific Act; and in what language did Parliament revive it? Not absolutely, not unconditionally; but the Act was not to come into operation until a sufficient time had elapsed to enable the Assembly to re-enact it. Now your Lordships will bear in recollection what I stated respecting the peculiar character of the Act for the Abolition of Slavery. That put an end to slavery, — that created the apprenticeship, — that was a compact between the two parties, the details of which were left to the colonial Legislature. If those details were not completed, Parliament resumed its authority during the apprenticeship to enact them. My Lords, the authority to which I am about to refer is a despatch of Lord Glenelg, of the 31st of March, 1836; it contains sound and unexceptionable doctrines, respecting the course of proceeding that should be adopted by Parliament whenever it is called upon to interpose by its legislation on subjects in the colony; and that Noble Lord distinctly puts the ground upon which the Act in Aid was passed here, — namely, that, it was an emanation of the Act for the Abolition of Slavery, — that it was, in fact, the completing one of those details which had been left to the colonial Legislature to perform, but which, if it did not perform, the Parliament, by the same right by which it abolished slavery, would resume the power of performing.

My Lords, I will now read Lord Glenelg's despatch on this subject.

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It has not been (he says) without extreme reluctance that his Majesty's confidential advisers have thus invoked the interference of Parliament in the internal affairs of the colony. They acknowledge and respect the general principle, that to the colonial Legislature belongs exclusively the enactment of laws of which the operation is to be confined within the limits of the island; but they have yielded to the irresistible force of those reasons which, on this particular occasion, have required a departure from that established rule.

The "particular occasion" is that which is assumed to have arisen, now. His Lordship proceeds to state, —

It is my duty briefly to advert to a few of the more considerable among those motives which have dictated —

(not a general matter-of-course legislation of Parliament, but which have) —

— dictated the exception. First, the Act of Parliament for the Abolition of Slavery was passed on one of those unfrequent and momentous exigencies in which, although the colonies are the immediate scene of action, the interests of the empire at large are directly involved, and in which, therefore, the right of interference, though usually dormant, is unavoidably called into activity. On such an occasion, Parliament might, with indisputable propriety, have pursued the general principles which it established into the most minute of the details by which those principles were to be rendered effective. The motive for transferring to the Colonial Assemblies, the office of introducing those subordinate rules, are explained in the 16th section of the British statute. It is there stated, that "such regulations could not, without great inconvenience, have been otherwise made." The delegation of this power involved the right to resume it, if it should at any time appear that the General Assemblies failed to give complete execution to the design of the supreme Legislature.

That is one reason.

2d. The Abolition of Slavery, and the subordinate measures required to render it effectual, present a course of events altogether peculiar and anomalous; that great Act was nothing less than a national compact, of which Parliament was at once the author and the guarantee, binding the people of the United Kingdom to the payment of a grant of unequalled magnitude; it also bound the emancipated slaves to contribute compulsory labour for several successive years; while it imposed upon the Assemblies the obligation of reconciling, by proper laws, the duties of the negro population as apprenticed labourers with their rights as freemen. On the part of the British Treasury, as on that of the emancipated slaves, the agreement has been carried into complete execution. It follows, Parliament is, therefore, at once entitled and bound to enforce, by its power, the performance of any part of the duty of the Assembly of Jamaica towards the apprenticed labourers, which that body may themselves have failed to fulfil.

His Lordship limits the interference upon this occasion to that particular subject, the subject of apprenticeship. Now, I beg your Lordships' attention to this reason: —

3d. It cannot be forgotten, that the Act of Parliament authorised, and that the first Act of Jamaica effected, a complete exclusion of the apprenticed labourers from the exercise, during their apprenticeship, of their elective franchise.

Now, at the very time this Prisons Bill is introduced, there is an end of the apprenticeship — there is an end of the exclusion of the emancipated population from the enjoyment of their elective franchise — they become entitled to enjoy it; and, of course, this reasoning, founded upon their exclusion from it, fails as to the Bill which is brought in after that exclusion has taken place. It goes on to say, —

It would not be difficult to accumulate other arguments, in justification of the apparent encroachment which the Bill pending before Parliament, when passed into a law, will make upon the general principle of non-interference. But enough has probably been stated for my immediate purpose, which is to show that this general principle is rather confirmed than impaired by this peculiar exception to it, because the exception rests upon grounds which it would be impossible to allege, but on an occasion as remarkable and extraordinary as that of the transition of a whole people from slavery to freedom. Having so far entered into an explanation of the motives which have influenced the conduct of his Majesty's Government, it is my duty to add, that the measure which has been adopted does not proceed on any imputation of misconduct against the General Assembly of Jamaica.

Under the influence of these considerations, the Bill has been studiously framed in such a manner as to leave the constitutional powers of the General Assembly of Jamaica unimpaired. It is proposed to advance so far as the exigency of the case strictly requires, but not in the slightest degree to exceed those limits. How far the proceedings of the Assembly of Jamaica may, or may not, have been open to animadversion, is a question which, as it is not necessary, so perhaps it might not be fitting, that I should discuss.

These, my Lords, are the sentiments — the just and proper sentiments — entertained and expressed by her Majesty's Government in 1836, and communicated to the Assembly, — for I read the despatch from the votes of that House. How can the introduction of the Prisons Act be reconciled with those sentiments? The occasion, the persons, — in short, the whole relation, which constituted the peculiar apology, or, according to the language of the Noble Lord, which created the exception — the confirmation of the general rule — had ceased. I ask your Lordships to bear in recollection the sentiments conveyed by the despatch, when you look at the conduct of the Jamaica Assembly in 1838, and consider what must have been

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the feeling naturally excited in that body, when, with this despatch upon their table, they see the Prisons Act sent to them, without a word of explanation, without any effort to correct or remove the impression under which the Government were distinctly apprised the Assembly would regard it. Not one syllable is addressed to the Assembly of Jamaica. No such despatch as that of 1836, with relation to a Bill which, from its peculiar connection with the abolition of slavery and the creation of the apprenticeship, might seem not to have required this detailed apology.

My Lords, the people and the Assembly of Jamaica, when they saw the Prisons Bill come before them, unaccompanied by any explanation, could not fail to regard that measure as a wanton and uncalled-for interference with the right of internal legislation.

My Lords, what is the Act itself? It is, as regards any effective purpose, perfectly impotent; the Assembly, alone, can make it of any effect. Of course, it does not proceed to levy taxes for the purpose of defraying the expense to which it will subject the colony. But what will your Lordships say, when, at the very time when this Prisons Act was passed, there existed an Act of the Jamaica Legislature, which is upon your Lordships' table? It will be found among the printed papers — an Act of 1834, which the Marquess of Sligo, on three occasions, speaks of as a most beneficial Act; the beneficial character of which Act is proved by this convincing fact, — that when the Governor, under the authority of the English Prisons Act, proceeded, with the advice of his Council, to make regulations for the gaols, the regulations which he adopted were, with scarcely any variation, the enactments contained in this Act of the Jamaica Legislature, and which Act is still in full force.

My Lords, if you are told that there was a necessity for this interposition of Parliament in respect of Jamaica, I answer, the Jamaica Act in existence contained regulations so beneficial as to have been adopted by the present Governor in council, under the authority of the British Act of Parliament.

My Lords, was there any disinclination on the part of the Assembly to take up the subject of prison discipline, or to take the necessary means for erecting gaols? My Lords, the whole course of their proceedings, from 1832, when her Majesty's present Secretary of State for the Colonies was Governor, to the period of 1838, when they separated, after having put an end to the apprenticeship, clearly and indisputably demonstrates a perfect readiness on the part of the Assembly to enter upon this subject.

The Assembly, not merely in language, but in acts, evinced that readiness. They passed that law of 1834, which was extolled by Lord Sligo, and the enactments of which were adopted by Sir Lionel Smith. My Lords, the Assembly did not content themselves with passing laws for prisons, but they raised money to defray the expenses which would be incurred in erecting them. In consequence of a recommendation from Lord Sligo, they passed an Act, by which the sum of 42,000*l.* was raised for this purpose. But this is not the whole of the case which I have to present to your Lordships on this part of the subject. The conduct of the Government, and all the communications made by the Governor to the Assembly, were calculated to induce a belief that it was not expected on the part of the Government that there could be any further measure on the subject of prisons until the year 1840, when that Prisons Act would expire. My Lords, the then Secretary of State for the Colonies expressly says, in one of his despatches to the Governor, that it will be in 1840 (the Act was passed to continue until the 31st of December, 1840,) that you will have to bring under the consideration of the Assembly the subject of the prisons.

My Lords, towards the latter end of 1837, there arrived in Jamaica a gentleman of the name of Pringle, who had been sent expressly on a mission to the West India colonies, for the purpose of ascertaining the state of the gaols, and of suggesting measures for their government and improvement. In his Report on Prisons, page 11., he makes the following statement: —

> The houses of correction at St. Ann's, Vere, Savanna la Mer, and Montego Bay are not fit for prisons. The two latter have indeed been condemned, and funds voted by the vestry for new buildings. The plans for intended prisons at these two places were shown to me; and as my opinion was desired, I suggested the postponement of the expenditure of so much money, until the plans approved for the construction of new prisons in England could be forwarded, or until some general system was adopted.

Therefore, so late as the end of the year 1837, your Lordships perceive the Government officer in the colony distinctly telling the people that the expedient course was to suspend the expenditure of money until his report had been made, and until some general scheme had been devised. My Lords, the Assembly was allowed to meet again in the early part of

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the succeeding year, without any communication having been made to them of Captain Pringle's Report. They, however, proceeded to appoint a committee. The chairman of that committee was a person of the name of Jordon, a gentleman of colour, of considerable talent and great respectability. He stated, in his place in the House, that he had anxiously devoted his time and attention to this subject; that he had framed a Prisons Bill; and that, in truth, nothing but the arrival of the Prisons Act, in the autumn of 1838, put an end to the progress of his labour. He saw, then, that it was quite impracticable for him to proceed, after that measure had been passed.

My Lords, thus, then, the whole conduct of the Jamaica Assembly, in relation to its legislation for prisons, as far as it had taken place, was unexceptionable; and as regarded their inclination and readiness to proceed further, there is abundance of proof, if the desire of the Government is to be inferred from their conduct and communications, and from the conduct of the commissioners sent out by them, that immediate legislation on the subject of prisons was not contemplated, was not desired, by the Government. Indeed, one of the communications expressly states that nothing was to be done until condensed and prepared plans had been submitted to the Assembly.

Now, my Lords, I ask, why was the Assembly allowed to meet without receiving any explanation of the causes which had induced the Government to introduce the Prisons Act, or any excuse for its introduction, without any one topic being addressed to them for the purpose of satisfying them that the introduction of the Prisons Act rested on peculiar grounds? Why was not a course adopted similar to that which, with so much propriety and judgment, was adopted in 1836, when the then Secretary of State sent out his apology, and the apology of the Government, even for the introduction of a Bill to revive a former Act which had been passed by the Assembly, on the subject of the apprenticeship, and expressly disclaimed the principle of interference except in such a particular case, and on such a particular ground, as that which he there assigned?

Your Lordships will not forget that the Government had been apprised of the impression which that Act would produce in Jamaica. But, my Lords, what excuse can be given for the conduct which the Government pursued towards the Assembly, when they became acquainted with what had passed in November? Your Lordships will scarcely believe it possible that to this hour the Assembly has been left without any explanation, without any answer to the appeal which they made to their Sovereign—an appeal made under circumstances which well warranted it.

My Lords, to this hour the Assembly of Jamaica remain uninformed of the principles upon which they are to hold their constitution. No answer has been given to their appeal; but the Governor—acting, of course, under instructions which he had received from the Government here—has kept them continually in prorogation.

My Lords, the moment the Government became apprised of these resolutions, and of this appeal, they should have instructed the Governor to have met the Assembly, and to have conveyed to them, from the Government, sentiments corresponding with those which are so justly and eloquently expressed in the despatch of the 31st of March, 1836. The Assembly should have been afforded an opportunity, after they had been distinctly apprised of the grounds on which the Prisons Act was introduced, and that the Government disclaimed any intention of interfering with their right of internal legislation, of resuming the exercise of their legislative functions. My Lords, it is with great pain I say that the absence of any such communication compels me to form this conclusion,—that if it were not the settled design of her Majesty's Government to bring on this crisis in Jamaica—to goad the people of Jamaica into that very position of which they might hereafter take advantage,—the conduct of the Government has been precisely that which would lead the Assembly—the people of Jamaica, ay, and any and every person who looked at that conduct—to believe it was their settled design:

My Lords, if it be a proposition fit to be submitted to Parliament, that legislation, by Assemblies in the colonies, ought not to be retained, but that it may, with greater benefit, be exercised in Downing Street,—then, I say, the Ministry should honestly call upon Parliament to adopt that proposition. If it be a principle that can be sustained, that your fellow subjects in your colonies may be put out of the pale of the British constitution and of a representative Government, let the Ministry boldly call on Parliament to sanction it. But so long as you leave the colonies in possession of their legislative rights, deal with the Assembly in a spirit of candour, and justice, and conciliation. Let not your policy be such as to provoke

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em into conduct, of which, hereafter, ou may take advantage, by saying they id suspended their functions, and call on Parliament to destroy that branch of e Legislature, and create a new form of overnment.

My Lords, the effect, then, of the conuct of the Government has been, to leave e Assembly in a situation in which they ve just grounds of complaint. An adntage has been taken of that situation; sense has been affixed to the language their resolutions which, in older and tter times, no Minister ever dreamed of fixing to it, even where the cessation their business of legislation had conued for a much longer period.

My Lords, I would humbly ask your ordships whether the assertion, by the ssembly, of their impression — (even if at impression were erroneous) — that eir right of internal legislation had een invaded by the Prisons Act, — whener their appeal, under the influence of at impression, to their Sovereign, can onstitute, in your Lordships' judgment, ground upon which you can inflict upon he people of Jamaica the penalty of aving their Assembly superseded altoether, or the exercise of their functions ermitted to be retained under restricions which make the existence of the ssembly a perfect mockery — a perfect nsult to those who may continue Memers of it? My Lords, I put the case pon that ground. I say that the conuct of the Assembly, in the expression of heir opinion, would not justify the severe easure to which her Majesty's Governent have resorted. But if the conduct f the Government have been such as to ead to an inference that it originated in design to irritate and to provoke the ssembly into a position which might fford a pretext for the infliction of this unishment, your Lordships will indigantly reject the measure which is deigned as that punishment.

My Lords, if the question be, whether his Bill is justified by the conduct of the Assembly of Jamaica, I fearlessly appeal o your Lordships' justice. I am sure our Lordships' decision must be, that o case of misconduct has been estalished — no pretext exists; there is nohing in the language of the resolutions f the Assembly which will justify your Lordships in passing this Bill.

But, my Lords, are you required to egislate, by this Bill, upon the ground hat some inconvenience or injury may be sustained without that legislation, in the event of the Assembly not resuming their legislative functions? My Lords, it is, indeed, an extraordinary proposition, that the Parliament should, at the sacrifice of the rights of the people of Jamaica, relieve the Government from an inconvenience which the Government had, by its own conduct, created, and by which inconvenience it inflicted a great wrong.

My Lords, I say that, if there be inconvenience, and if it have created an urgency with respect to this measure, the Government itself originally caused that inconvenience, and has continued it. Yes, my Lords, it is to be imputed to the Government that the Assembly was not in the exercise of its legislative functions, three months after they had been apprised of the resolutions of November. My Lords, if the packet of that month had conveyed an answer to the appeal of the people of Jamaica, expressed in the language, and evincing a spirit, of conciliation, that answer would have been received by the Assembly in a corresponding spirit. Legislation would have been resumed, the entire business of the Session would have terminated, and neither House of Parliament would have been called upon to endure that so great an outrage should have been offered to the principles of justice, and to the law and constitution of Great Britain, as the introduction of this Bill.

But, my Lords, does there exist the inconvenience, or is there the urgency, which should require your Lordships to sanction so great a wrong as that which the passing of this Bill would inflict? I am prepared to show your Lordships that there exists no such inconvenience, and that there is no such urgency, as has been pretended.

My Lords, I will address myself to the subject of the three Orders in Council, referred to in the first clause of the Bill. I must take care to guard against that misrepresentation of my opinion of those Orders, and of the first clause, which I encountered in another place. Having exposed the monstrous principle of placing the Assembly under such restraint as to have no free deliberation on subjects perfectly new, very complicated, requiring much local practical knowledge, and giving occasion for fair and honest difference of opinion, I considered that such a clause carried, upon the face of it, its own destruction,—that it required nothing more than to state its effect. The objection to the principles of such a clause would receive no additional force from a critical examination of the details of these Orders in Council. I was supposed,

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therefore, to have had nothing to say against those details — an inference, certainly, most erroneous.

My Lords, with respect to one of the subjects referred to in the last clause, — the law of vagrancy, — it is said, that the provisions of this Order in Council are required for two purposes: first, to abrogate laws, now in existence, which are oppressive; and, secondly, to substitute other laws, of a character better adapted to the present state of society.

My Lords, Sir Lionel Smith, in a communication to the Secretary of State for the Colonies, on the 10th of September, furnished a pretence for representing that the immediate abolition of those laws was required. After having complimented the Assembly, when they separated in June, for putting an end to the apprenticeship, his letter says, in page 83., —

> Then I beseech your Lordship to look to the provisions of the local Vagrant Act, unrepealed, 35th Car. II. c. 11. This Act was introduced against the lawless soldiery of Governor Doyley, and many violent planters are now rejoicing in the power it gives of flogging free men from parish to parish; and there is an improvement in its penal powers, by the 32d Geo. III. c. 11, still unrepealed, which adds six months' hard labour in the house of correction.

Then, my Lords, he says, —

> Your Lordships bid me apply to the Legislature to repeal these frightful laws. If I should apply in vain, and in the midst of freedom, we have still terrific engines of oppression and tyranny preparing for the emancipated population.

Now, my Lords, to begin with his prediction of the use of these terrific engines. His letter was writen on the 10th of September. Fortunately, as the Secretary of State had called upon him to make returns of all convictions under the vagrant laws, or for breaches of contracts, we have the returns made by him to the question, "What convictions have taken place under the vagrant laws?" and the answer is, "With the single exception of a person who was found at Montego Bay sleeping in the street, — *Nil.*" Those returns comprise the whole period from the termination of the apprenticeship to the end of December. There was not a conviction or a prosecution under that law; and for the plainest of all reasons, — the 35th of Charles II. c. 11. is repealed by the next Act, the 32d of Geo. III. c. 11. The principle upon which the virtual repeal of such statute has taken place is familiar to every lawyer.

My Lords, in order to excite attention to the provisions of the law, reference was made to a clause in the Act of the 32 Geo. III. c. 11., by which it was provided that white persons were to be separated from persons of colour and slaves. Now, my Lords, that clause is also repealed by that section of the Jamaica Prisons Act which directs the classification of prisoners, and recognises no other distinction but that of sex, or of offences or cause of imprisonment. But it is also repealed by the Act of 1831, which places the free coloured population, and, consequently, the recently emancipated negro population, on the same footing, and confers on them all the same *rights*, privileges, and immunities which are enjoyed by white persons. That law abolished every distinction, *whatever*, that was founded on colour.

These laws, therefore, do not exist; and I will take leave to say, from no inconsiderable practice at the Jamaica bar (having held the office of Attorney General for twelve years), that I never knew an instance of an attempt to proceed under the Act of Charles II.; and I am ready to prove, at your Lordships' bar, that, in point of fact, there never was a prosecution under that Act.

I believe there is not a lawyer in Jamaica, who, if his attention were called to the effect of the two laws upon each other, would not at once pronounce that the subsequent Act had repealed the Act of Charles II.

My Lords, I know that the Chief Justice of Jamaica, in answer to an abstract question which was put to him, which is to be found in this volume, "What are the laws in force upon vagrancy?" mentions those two laws. But if the Chief Justice had been asked to consider the effect of the enactments in the second Act on those contained in the first Act, and applied to that consideration the rules of law which are laid down in the adjudged cases, he could not have arrived at any other conclusion, as a lawyer, than that, although both Acts were found in the statute book, and that there was no express repeal of the past Act, yet it was as virtually and effectually repealed by the second Act as if there had been an express repeal.

My Lords, then I come to the supposed necessity for substituting a new law. Now, this is a law in restraint of the negro, for the benefit of the planter. My Lords, vagrancy, as it is understood here, and as it is intended to be prevented by the Order in Council, scarcely exists in Jamaica. Who is in the habit of seeing, there, persons wandering about begging?

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arcely recollect an instance of it. A ant, with a good house and good nds, from whence he can derive, with mon industry, and a very small por- of labour, between 80*l.* and 40*l.* a-, is not likely to be a vagrant. He sit down in his house, or loiter in his nds without working; but you cannot him a vagrant. But if a law of this l were necessary, which is obviously nded for the interest of the planter, I whether great weight is not to be n to the fact that the great body of aica proprietors in this country are osed to this law, and consider that no sible benefit which they could derive n its immediate enactment would be equivalent for the actual and still ater injury they would sustain by cting it through the intervention of liament, by the creation of a new er, and, consequently, at the sacrifice that constitution which is their great urity? They do not ask you to pass law which is to benefit them; but, on contrary, they will powerfully address ir Lordships by their counsel, and de- cate the adoption of this Bill.

My Lords, I will next refer to the law pecting the relation of master and ser- t. My Lords, the Assembly, in their dress in answer to the Governor's ech, admit the importance of a law on s subject.

But as to the law in this Order in uncil, — the contract law, — it may be ited to the Crown colonies, although I ve been told that it does not work well the colony of British Guiana; but I ow that it is not adapted to the state of maica, and that it is inapplicable to the rcumstances of that colony.

My Lords, look at one provision of this traordinary Order in Council. I am one those who believe (and I speak from no considerable experience of the negro aracter) that in this scheme of contracts etween master and servant, neither the al interest of the negro population nor at of the employer is consulted. But this know, that, in consequence of the inter- osition of the Baptist missionaries in the olony of Jamaica, the negroes have been aught not to sign written contracts. They have been told not to commit them- elves by writing, — and yet no contract or hire is to be valid beyond four weeks, nless it be reduced into writing.

But, then, there is another provision which would be fatal to that Order in Coun- il — it would prevent the Assembly of Jamaica from looking at this Bill; no contract is to be valid unless it is entered into in the presence of a stipendiary magistrate. What! the Assembly pass a law conformable to that Order in Council, and provide that a stipendiary magistrate must be an essential party to every contract? And, then, the next packet bringing out a communication from her Majesty's Government, calling upon the Assembly, inasmuch as they have now recognised the appointment of these stipendiary magistrates, to provide salaries for them.

My Lords, that system must undergo an immediate revision by her Majesty's Government, or Jamaica will become a perfect wilderness and waste. It is impossible that that relation which you desire to cultivate between the employer and the labourer can exist under the present system. The day must come, — I hope it will not come too late to render any remedy effectual, — but the day will come, when there must be an account given of the policy which has been adopted towards the colony of Jamaica, and some of the other colonies, since the emancipation. Some satisfactory answer must be given to all those representations to the Government, which have been made by men of all parties of the greatest influence and character connected with Jamaica, — but made, I grieve to say, in vain.

My Lords, there is another singular provision in this contract law. A contract is not valid unless made in the colony. Do your Lordships suppose that any labourer or mechanic in Europe will go out to Jamaica, or to any other colony, unless he has the security of a previous contract? Well, my Lords, he has entered into a contract with the person who is desirous of employing him. It is binding during the voyage. But the employer, who has paid the expense of his passage to Jamaica, is at his mercy when he arrives there; he has no power to compel him to enter into a written contract. He leaves his employer. The expense of his passage to Jamaica is lost to the person who has paid it. But it seems it has been told the Government, that scheme may answer in Demerara, or in the smaller Crown colonies. Be it so. But what argument does this afford in favour of its working well in Jamaica? You are dealing with a large colony, in which cultivation is scattered over the whole of an immense tract of country. Every person knows, with respect to the cultivation of British Guiana, that it does not run from the coast above ten or fifteen miles, and that, in fact, the whole range of cultivation is almost immediately within personal inspection. But it is far otherwise with respect to the cultivation of the colony of Jamaica.

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Now, with respect to the illegal occupation of land. Here, again, is a most extraordinary misconception on the part of the persons who have fancied that this law is requisite. My Lords, you have a provision in the Slavery Abolition Acts, another provision in the Act passed on the subject of ejectment in 1834, and another provision in the Act for the abolition of the apprenticeship; and each of these provisions affords a complete remedy for that illegal occupation of lands which is intended to be provided against. The ejectment of the negro labourer from those grounds which he had occupied, upon giving him three months' previous notice, is effectually secured by the existing laws. My Lords, the Attorney and Solicitor General of this country, in their printed opinion, properly referred to those laws, as they unquestionably are in force, and as furnishing a suitable remedy.

But with respect to the illegal occupation of other lands, the provisions which are contained in this Order in Council betray an extraordinary degree of ignorance of the actual condition of those lands. My Lords, those lands have been granted to individuals by patent, and consist of wood, and are uncultivated. Their boundaries have either not been run, or, if run, not perfectly distinguished or frequently disputed. Under the provisions of this Act, a stipendiary magistrate would be invested with a jurisdiction to try some of the most difficult and complicated questions, — namely, those which involve disputed boundaries, upon which the negroes might have made a settlement.

My Lords, I defy this law to effect the purpose which is contemplated, — or to effect it without doing manifest injustice to the person who may be the lawful owner of those lands, or entitled to them as being included within the callings of his patent. His title may be good, but he cannot sustain that title against a possession which may have been acquired without his knowledge, — for that possession would completely protect him from being dispossessed under this law.

My Lords, in concluding my observations on the first clause, I beg to state, that, in addition to the objection which I have urged against the principle of that clause, there are these objections arising from the character of the subjects upon which the Assembly are to legislate under this restriction, which justify me in expressing to your Lordships my firm persuasion — my candid conviction — that the Assembly will not, and, I take leave to say, ought not to, resume the exercise of their legislative functions, if that clause remain in the Bill.

My Lords, I have now arrived at the second clause of the Bill, which invests the Governor with the power of re-enacting certain temporary laws which expired last year. They are of two descriptions. I have stated to your Lordships, that there are seven of those laws by which taxes are imposed, and the proceeds of those taxes appropriated. Now, my first proposition — which I state as the correct result of a careful perusal of those temporary Tax Acts — is, that although these Acts have expired, yet, that, under other Acts which are in force, a revenue is raised, more than sufficient to meet the ordinary exigencies of the civil Government of the colony. Your Lordships, therefore, are not called upon to revive those Tax Acts from any necessity of furnishing a revenue before a certain period. Indeed, I do not suppose that this necessity will be alleged on the part of the Government. I know that, not many weeks since, the Secretary of State for the Colonies did not believe that such necessity existed. Indeed, it cannot be urged, consistently with the actual state of the revenue laws of Jamaica.

My Lords, I am exceedingly desirous that your Lordships should be fully in possession of the character of these Acts, and of the revenue which is at the disposal of the Government; I therefore entreat your Lordships' attention to them. The first is an Act imposing a duty on tonnage, and for regulating how the duty payable on gunpowder is to be received. Now, it may be supposed, in the Colonial Office, that this is the tonnage duty which produces 25,000*l.* per annum. It is not so; but it is a duty which is paid upon each vessel entering and clearing the island, as a substitute for a certain quantity of gunpowder, which, under the Revenue Act of 1 Geo. II. cap. 1., every ship was obliged to deliver in kind. This tonnage duty produced about 2700*l.* Now, what is the effect of this law having expired? Why, instead of this duty being paid in money, under this Tonnage Act, it would be paid by the delivery in kind of the gunpowder, under the Permanent Revenue Act of 1 Geo. II.; and the consequence is, that a person who is bound to pay it in kind, will prefer paying the duty in money: so that, in truth, that branch of the revenue is still existing, only in a different name, and under a different law.

My Lords, the next Acts are, the 1st of Victoria, chap. 8., for laying an additional duty on all wines, brandy, rum, &c.; the

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of Victoria, chap. 11., for laying a on goods, wares, and merchandise, being the growth, production, and ufacture of the United Kingdom. My ls, the duties imposed by these two red Acts also exist under laws which still in force; as, for instance, part of e duties are imposed and levyable er that Permanent Revenue Act, to ch I before called your Lordships' ation, passed in 1728, 1st Geo. II. . 1. The rest of the duties are, when olonial Act is in force, levied under Act of the Imperial Parliament, passed the 3d and 4th of the late King, p. 59. The duties levied under that ute of the Imperial Parliament, being able to the Receiver General, are ap- able under the general laws which are l in force, and which appoint and pro- e the salaries of the servants of the vernment, — namely, the Governor, l judges, the clergy and others.

My Lords, the next Acts are those of 1st of Victoria, chaps. 12. and 19., laying a duty on all horned cattle, and horses. Now, the duty which is raised the former of these Acts is about 184*l.* ie duties are imposed by these Acts, t for the purpose of raising a revenue, t to operate as a prohibition upon the portation of cattle into the colony, to e prejudice of those who breed cattle ere. Now, when your Lordships have petition from any of the proprietors of maica, who are suffering from the non- istence of these Acts, it will be time ough to talk of their expiration as a ievance, and call upon Parliament to terpose for its redress.

My Lords, the amount raised under the and Tax Act is about 28,000*l.*; but your ordships should be aware that the money hich is raised under the expired Act of 37 did not become payable till after ie 15th of September, 1838; conse- uently, the proceeds of that tax were pplicable to the expenses of that very ear in which we now are.

The same observation applies to the ct for levying a tax upon live stock, nd upon trade. These seem to be the nly two sources of revenue which are aised alone under expired Acts. All the ther sources of revenue are raised at his moment under Acts in existence,— amely, the Permanent Revenue Act, and he Act of the Imperial Parliament.

Now, my Lords, this result is plain, rom the state of the Revenue Acts. The onnage duty does not expire till 1843. Under that Act, the sum of 25,000*l.* is raised. Another source of revenue is the Stamp Act, under which the sum of 20,000*l.* is raised. That Act does not expire till the 31st of December, 1839. My Lords, I have just now mentioned 45,000*l.* still raiseable under existing laws. To that I add the surplus of appropriated revenue. To make that intelligible to your Lordships, you should be aware that the amount raised under the Permanent Revenue Act, specifically appropriated, is 10,000*l.* per annum,—that is, 8000*l.* under the 1st of Geo. II. c. 1., and a further sum of 2000*l.* under a subsequent Act; but the amount of the duties, which were intended to raise that sum, produce a great deal more than 10,000*l.* The excess produced beyond what is appropriated by the Permanent Act is 18,000*l.* This sum is applicable to the other public services of the island. You have, then, 63,214*l.*

My Lords, there was an Act passed last year, imposing a further duty on exports and imports; that Act produces 60,000*l.* That Act does not expire till the 31st of December next. You have, then, 123,214*l.*; but I have a right to take the 10,000*l.* of the permanent revenue, because that contributes 2500*l.* towards the Governor's salary, and it also contributes a sum towards the forts and fortifications. I have, therefore, to add the additional duties which are raised under the British Act, which amount to 60,000*l.*; and I have also to add those different duties which I mentioned just now, amounting to 72,000*l.*, which would bring an amount of actual revenue at the disposal of the Government, applicable to the payment of the Governor, judges, clergy, and all public officers, of between 200,000*l.* and 300,000*l.*

My Lords, there is no pretext, therefore, for saying that the immediate want of revenue requires the re-enactment of the temporary Money Acts; because there exists, without these expired Acts, a revenue adequate to the purposes of defraying the expenses of the civil Government. There may be individual creditors, whose demands are unpaid; but the faith of the Assembly is pledged to their payment, by that resolution, in which they contemplate them, as well as all civil servants; and those persons rely upon the performance of that pledge by the Assembly. They are not the persons asking your Lordships to destroy, or suspend, or impair the functions, or discredit the character, of the Assembly. They regard that body as representing them, and as their sure protection and safeguard. My Lords, you do not want this Bill; you need not violate the constitution of Jamaica for the purpose of raising a revenue to answer the immediate purposes of Government.

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Then, my Lords, with respect to the other Acts, which are not Acts imposing duties, I take leave to assert that there is no one of those expired Acts of such a nature as to create a necessity for its revival by the Governor in council. There is not one of those Acts in respect of which the public can sustain any injury whatever, whether it be revived in the next six months, or in the next twelve months.

The first of these expired Acts is the Act for establishing the rules and articles of war. In the first place, that Act is never in force, by an express enactment which it contains, except in martial law. Martial law can be proclaimed only by the Governor. The rules and articles of war apply only to the militia, and the militia cannot be called out without the authority of the Governor; and the Government considers the militia not a proper force to retain: therefore they cannot complain of the non-existence of this law.

My Lords, the next Acts are, the Act appointing commissioners to inspect the books of the Receiver General, and to inspect the public accounts, and the Act appointing commissioners to superintend public buildings in the island, which are annual Acts; and the Act appointing Commissioners of Forts and Fortifications, which is a triennial Act. Now, with respect to these three Acts, I believe no one who has the slightest acquaintance with Jamaica can gravely assert, in this House or elsewhere, that any injury would be sustained from those Acts continuing unrevived for eight months longer. For what are those Acts? Under the Act appointing commissioners to inspect the books of the Receiver General, the only commissioners are the Members of the Assembly; but they have no power to raise money, and they have no power to apply money which has not been previously voted by the Assembly. The Board of Works, and the Commissioners of Forts and Fortifications, consist of the Governor, Council, and Assembly; but their powers are strictly confined to the application of money which has been previously voted by the Assembly. The commissioners have no power whatever to apply one farthing, or to contract any engagement which has not been previously sanctioned by the Assembly.

My Lords, I have heard it said that all public works were suspended in consequence of this Act having expired. This could not be. If the public works had been commenced, they must have been commenced under the authority of a previous law, and the contract entered into would be still subsisting, and the contractor, in executing those works, could sustain no prejudice. The Commissioners of Forts and Fortifications are in the same situation as the Commissioners of the Board of Works. They are limited in their powers—they can advance no money which has not been previously sanctioned by the Assembly.

My Lords, it has been said that there was no person to superintend the public buildings. I answer, that the Island Engineer and Surveyor of Public Works still hold their offices and execute their duties, for they are not dependent upon these expired Acts. These pretexts are too puerile to deserve any serious notice. Is the Government prepared to show that any calamity has befallen any public building in Jamaica, or that any injury has resulted, or can result, from these laws having ceased to be in operation since the 31st of December last?

Then comes another Act—an Act in aid of the 5th of Will. IV., relating to the registry of fire-arms. There are two very strict coercive Acts still in force, for the purpose of preventing the improper distribution and use of fire-arms. The 6th of Will. IV. cap. 30., which continues in force till the 31st of December, 1840, is fully adequate to guard against every evil, although the clerk of the peace might not be obliged, in consequence of the expiration of the other Act, to transmit to some public officer a list of those particular arms in his possession.

My Lords, another expired Act—the Clergy Act, 6th of Geo. IV. cap. 17.—was first passed for seven years, and has since been continued by Acts from year to year. That Clergy Act consolidated all the previous clergy laws, and repealed them. This Act, which has consolidated and repealed them, having expired, the former laws revive; and under the former laws the clergy and rectors and curates receive the same stipends which they would receive under this consolidated Act, if it had not expired. The bishop and archdeacon are not dependent upon this Act for their salaries, because they are paid by the Treasury of this country. They hold both their appointments under their patent. So that, in fact, the clergy, as to their stipends and duties, are precisely in the same situation as if this law had not been passed, and they were receiving their stipends under the old law. The expiration of this Act has not produced, nor could it produce, any inconvenience to either of these persons. There is no one provision in that Act in relation to the execution of process issuing from the Court

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the Bishop, which could not, if required, enforced by the authority of the Supreme Court of Judicature of the Island.

The next Act which expires is the etty Debt Act. It is a law of rather odern date. It was passed in the year 34. It gave to two magistrates cogniance of debts to the amount of 5*l.*, which as subsequently increased to 10*l.* But your Lordships suppose that there is o jurisdiction in Jamaica which can take ognizance of debts of a small amount, nd that creditors for those sums are bliged to go into the Supreme and Assize ourts? In the first place, to the extent f 40*s.*, a single magistrate has authority; nd in every parish in the island, except he precinct of St. Catherine, where the upreme Court is held, there are Courts f Common Pleas which have cognizance f debts to the amount of 20*l.* So that here is not a failure of the ordinary jurisiction to which suitors might resort for he recovery of small debts, as it would eem was supposed by those who put orward this law as one which it was of the reatest importance should be re-enacted.

My Lords, I come now to the Process aw; and I was very much surprised to ear it said by persons who ought to know etter, that, in consequence of the expiration of this law, there can be no court itting, no juries convened, and that, in hort, the courts will be shut up in Jamaica. My Lords, so far from that being he case, the courts are continually sitting, nd would continue to sit, even if this law were never re-enacted again. My Lords, what are the enactments of this law? There are some of them, which, if the Governor, with the advice of the Council, exercise the power of re-enacting them, will present a strange appearance in these days; — for there are many clauses which make provision for the manner in which slaves are to be sold by the deputy marshal. Of course, those are inapplicable; he is not to revive those clauses. But what are the other provisions? My Lords, with respect to all the provisions of that Act, they partly relate to the regulations of the duties of the provost marshal and his deputies, and the clerk of the Crown and others, — all of which, I take leave to say, the court itself, even if there were no Act whatever, could make for the regulation of those who are its own officers. It possesses authority independently of that Act. There is no authority given by that Act, which the Court might not exercise if that Act be never re-enacted.

My Lords, that law contains a provision as to the manner of obtaining the names of persons from whom the panels of juries should be formed. It provides that the clerk of the peace of each parish shall transmit to the provost marshal, before a certain day, a list of the inhabitants of the parish, in order that the latter may make out the pannel. That list is to be made out after the 25th of March, and on or before the 20th of May. The pannel is to serve for the three assize courts following; and that made under the expired Act has been in use for every court that has been since held. Nay, further, if this law were never re-enacted, the provost marshal, independently of this Act, and at common law, would, under the authority of the court, execute the *venire*. He must summon a jury, by serving a notice on a sufficient number of persons to attend the court. He must return persons qualified by law: of those persons he makes the pannel, under the inspection and control of the court. If this Process Law were not revived for the next two years, he would look at the list which the clerk of the peace had transmitted already; or he would, at his own expense, employ the clerk of the peace to make a list of the inhabitants qualified to serve on juries. The return which the provost marshal would make to the court, and from whence the panel would be formed, would be of the same description, and procured in the same way, as at present; and the Supreme Court would, of its own authority, secure such a return, as would answer the urgency of the *venire*, and, at the same time, not be burdensome to individuals.

My Lords, the next is the Act for the Relief of Insolvent Debtors. Under the Act, the debtor obtained his discharge only upon the condition, not merely of being in prison, but of delivering up all his effects; the creditor has no motive for sending his debtor to gaol, if he cannot obtain the distribution of his effects, but he has a motive for not sending him to gaol; because, if the debtor has no property, the creditor is subject to the burden of supporting him in prison. There is no inducement to send a debtor to prison, nor is there any inducement for a debtor to enter a prison for the purpose of fraudulently taking the benefit of the Insolvent Debtors Act.

My Lords, the last of the expired Acts, the Police Act, which was introduced in 1834, expired on the 3d of December last, as it is an annual Act. Now, my Lords, I beg leave to say, if it be intended to be represented that the island is left without a constabulary force, that is not the fact. There is an Act, quite independent of the Police Act (the 4th of Will. IV. cap. 59.), which gives enlarged

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powers to the justices of the peace to appoint the requisite constabulary force. I find that Lord John Russell, in his despatch of the 15th of February last, speaking of all the Acts which have expired on the 3d of December, 1838, says, —

> On looking them over, I find none, except the Police Act, the want of which may occasion immediate danger; and I trust that this will have been obviated by the means you propose to adopt for substituting a constabulary force on a small scale, in lieu of the former police.

My Lords, we are now at the end of the month of June. We have heard of no tumult, we have heard of no violence or insubordination, which required this police establishment to suppress. Sir Lionel Smith, himself, suggested, and no doubt adopted his own suggestion, of another and adequate civil force. It cannot, therefore, be represented to your Lordships, that the expiration of this law furnishes a ground upon which you could be justified in retaining this clause of the Bill.

My Lords, I have now concluded my description of these temporary Acts, of which this Bill gives you no description, and conveys to you no information. I submit to your Lordships, with perfect confidence, that your Lordships' interposition would not be warranted by the want of the provisions of any one of these temporary Acts. Danger there is none, inconvenience there is none, pretext there is none, to require that your Lordships should invest the Governor of the colony with this unconstitutional power of reviving any of these temporary Acts. But I repeat that, if there were danger,—if there were inconvenience, — if there existed a pretext, — it was created, and has since been and is now continued, by the Government.

My Lords, when I was dealing with the pretence, that there was an urgency for the enactment of those subjects of legislation which are mentioned in the first clause of the Bill, I ought to have brought to your Lordships' attention the unparalleled injustice of the Government in resorting to that pretence, — I ought to have reminded your Lordships that this same Government had prohibited the Assembly from previously legislating on these subjects. Yes, my Lords, under the recommendation of the Select Committee of the House of Commons on Negro Apprenticeship, in 1836, her Majesty's Government conveyed to the Governors of the colonies, and through them to the Assemblies, their opinion, that, on every account, it was desirable that legislation, on all subjects affecting the future condition of the emancipated population, after they had ceased to be apprentices, should be postponed as near as possible to the period of the termination of the apprenticeship. The Report of that committee contains this strong language:— "In conclusion, your committee would observe, that it appears to them to be most expedient that such enactments as are intended to come into operation after 1840" — (that being the period fixed by statute for the termination of the apprenticeship) — "should, as much as possible, be delayed till that period shall arrive; or, at all events, be postponed till the time that more immediately precedes it." Now, will it not be an act injustice, — the most flagrant which was ever committed, — to make the urgency of new laws for the altered state of society in Jamaica, a pretext for subverting the constitution of that colony, when the Government has told the Assembly of Jamaica, by its Governor, that they were not to pass laws of this description, but to postpone them until that new state of society was immediately about to commence? One other instance of injustice can, alone, equal it, and that is — urging, as a pretence for re-enacting, by an unconstitutional authority, those temporary laws by which the revenue is raised, that those temporary Acts have been suffered to expire; when, in fact, the Assembly, by their resolution and Address, offered to re-enact, and would have re-enacted, them, and would have raised the revenue, if the Government had not prevented them from doing so. This was the act of the Governor, who refused to let the Assembly proceed, — who kept them in prorogation; and to the Governor and the Government, and not the Assembly, must be attributed the fact, that these temporary Acts have not been re-enacted, and the revenue, derivable from those Acts, raised.

My Lords, it is impossible that this conduct can receive your Lordships' sanction, and yet your Lordships are asked to regard that conduct as a justification of this Bill.

My Lords, I would call your Lordships' attention to another singular property in this Bill, — perfectly in keeping, however, with its injustice. Your Lordships are aware that the power transferred to the Governor in council is limited in its duration, — namely, to the operation of passing those ordinances on these subjects; yet, in defiance of every common principle of legislation, although the authority be only temporary, yet the

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ordinances made by that authority may be perpetual. The proviso, giving power to the Governor, Council, and Assembly, of repealing the ordinance, can answer no other purpose but that of announcing to the Assembly, that the Governor, who has passed these Acts in his executive character, need not, and must not be expected to, give his assent to the repeal or alteration of them, if it would be required by the other two branches of the Legislature. Is there any one so credulous as to suppose that those who administer the government, and who are pressing on this measure, will ever give permission to the Governor to assent to any Bill of the Council and Assembly, repealing or altering either of those Acts?

My Lords, there is another striking feature in this Bill. The people of Jamaica are left at the mercy of the Governor, or those from whom he receives his instructions, to convene the Assembly, or not, as he or they please; for this Bill does not even contain a provision to make it imperative on the Governor to convene the Assembly. My Lords, this is, indeed, unilateral legislation. Everything is introduced which is coercive, offensive, irritating, and insulting towards the Assembly; but nothing is introduced which can afford the people of Jamaica security against the oppression of a Governor, or the Government. I am not to be told that the Government will, of its own authority, direct the Governor to convene the Assembly. Alas! the conduct of the Government has not rendered it an object of confidence in the estimation of the Assembly or people of Jamaica. They will look at the provisions of this Bill; they will see that they are called upon to legislate, — and will, if they resume their functions, legislate under the instructions which the Governor receives from the Government here. I cannot, nor will the Assembly, ever forget that it was the avowed desire and object of that Government to suppress the Assembly entirely, — that it was their avowed opinion that legislation by Assemblies in the colonies was not compatible with emancipation, — and that any form of government was better than a Representative Assembly. I cannot suppose, — the Assembly and people cannot suppose, — that, having so pertinaciously adhered to those opinions, and so perseveringly pursued that object, as to bring forward this Bill, — so strongly resembling, in its obnoxious features, that former Bill, which, in obedience to the sense of the House of Commons, they had abandoned, — I say, my Lords, I cannot, nor will the people of Jamaica, suppose they will renounce those favourite opinions, that they can have any desire to see the Assembly convened, or that they would give such instructions to the Governor as would afford the Assembly a fair opportunity of resuming their legislative functions. It is impossible that the Assembly and people of Jamaica can regard, with confidence, those who have just struggled to carry a measure which destroyed the constitution, avowedly, and are now struggling to carry this measure, which, if it does not destroy the constitution in form, does in substance and effect, — for it renders the exercise by the Assembly of its legislative functions altogether incompatible with that free agency, without which its existence, as a branch of the Legislature, will be perfectly nugatory, and, indeed, derogatory to the persons who remain members of it. But your Lordships will defeat this unconstitutional attempt by rejecting the Bill. There is no ground — no, not even that of expediency — to justify you in passing it; — if I could suppose it possible that such a ground could sanction a measure which subverts a constitution, by rendering it impossible that one branch of that constitution could any longer be retained with advantage to the community, or with honour to those who compose it.

My Lords, I am persuaded that your Lordships must feel that the Government has not entitled itself to call upon your Lordships to give effect to this measure; and that therefore your Lordships must, as I humbly hope you will, reject this Bill altogether.

My Lords, I take leave, with great respect, to say that this is the only course which your Lordships can pursue, consistently with those principles of justice, and respect for the institutions which the laws and constitution of this country have created, which ever govern the proceedings of this House.

My Lords, if I have established a case which claims the exercise of your justice by rejecting this Bill, I have accomplished all that my duty requires. But I cannot leave your Lordships' bar without feeling, and without asking your Lordships to feel, the momentous consequences involved in the issue of your decision upon this Bill. My Lords, if you adopt, or if you modify, this Bill, and thus leave the Assembly discredited or degraded, or incapable of exercising their functions efficiently, because incapable of exercising them as free agents, you will have inflicted

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upon the people of the colony an irreparable injury. Its injustice will not be the only complaint which will be made. It will have inflicted a wound fatal to the future welfare of that great colony.

My Lords, there is no state of society, however refined in civilisation, which can stand the shock of a policy which has the effect of degrading the higher classes of society, and of implanting distrust and ill-will towards them in the breasts of those who stand in a more humble and dependent relation. But, my Lords, what must be its effects upon a state of society, perfectly new in the history of the world, where a great experiment has just been made, where the great mass of the population are labourers and dependents just advancing into a state of freedom, and making the first progress towards civilisation?

My Lords, in such a state of society, common reflection would tell us that the aid of every moral influence which you can invoke is required; yet by this measure the Government would destroy a moral influence which could, and would, exercise the greatest and most valuable ascendancy; because its tendency, by degrading the Assembly, is to exhibit the persons of whom it is composed as no longer deserving the confidence of those who have hitherto lived with them in the relation of dependents, and between whom there is subsisting feelings of kindness and confidence. A stigma is to be cast on them as not worthy to be intrusted with legislation, except under such restrictions as import degradation and mistrust. The emancipated population are to be told, by this Bill, that they are not to respect or confide in those with whom they are to live, and with whom they have to maintain, in a kind and friendly feeling, that relation which is necessary, not merely for the cultivation and prosperity of the colony, but which is essential to the happiness and welfare of the labouring population themselves.

My Lords, the effect of such a policy will be fatal to the acquisition of habits of industry, and fatal to the progress of civilisation. It will end in the disappointment of the expectations — the just expectations — of the people of England. It will end in a complete discouragement of the other nations of Europe and America to follow our example, in putting an end to slavery. Capital will be withdrawn. The negro population may enjoy freedom and repose; but cultivation will have ceased; Jamaica will, indeed, remain — but she will remain only as a memorial — to tell you what the bounty of God had done for man, but what man's own folly and recklessness had prevented him from enjoying. Such, my Lords, will be the fate of this great colony, if this measure be adopted.

But let me turn to a brighter prospect. Let this measure be rejected by your Lordships. Let her Majesty's Government be left to adopt, as other Governments have done, a course of conciliation. Satisfy the people of Jamaica, that, whilst neither the Imperial Parliament nor the Government will renounce the right or neglect the duty of interposing, when the legislation of that or any other colony is not adapted to, or does not promote, the interests of all classes; yet, in the language of their Address, that her Majesty did not, and does not, wish to deprive them of their rights as British subjects, or of that internal legislation which they have derived from the constitution of Great Britain, and which, for two centuries, they have enjoyed.

My Lords, such a course, adopted by her Majesty's Government, — such an answer to the appeal which the Assembly made to her Majesty, — would induce that body honestly, honourably, and cheerfully to resume the exercise of their legislative functions.

My Lords, that which has passed would be forgotten, or retained in their recollection only for the purpose of retaining those feelings of gratitude and attachment with which they will regard those of their fellow colonists in this country, who have given them support in resisting a measure so fatal to their interests. My Lords, that support will not only excite gratitude and attachment, but it will secure for the advice and recommendation which those supporters may convey to the colony, that weight and influence on future legislation in Jamaica, which, in the language of the resolutions of one of the meetings, will satisfy the just expectations of the people of this country, and best promote the successful issue of the great measure of emancipation. I firmly believe — and everything I have heard from Jamaica, and from those who have recently arrived from thence, confirms my belief — that my anticipations of the manner in which such a communication from the Government would be received, are well founded. But if, contrary to those anticipations, — if, contrary to the just expectations which the great body of Jamaica proprietors here entertain, — such a communication failed to produce this much desired termination of the present dispute, — there is no possible injury that could take place in the three or four

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months which must elapse before Parliament would be re-assembled, and be enabled to make the necessary provision for the government of Jamaica. Whatever might be the result, your Lordships would have abundant justification for the course you had taken. You would have acted upon the well-grounded expectations which those connected with the colony entertained and conveyed to you; but, above all, my Lords, if you failed, —if you were disappointed in your expectations, — you would have no cause of reproach. On the contrary, you would have the satisfaction of feeling that the course you had taken was that which was most consistent with, and best maintained, those sacred principles of justice, and of respect for rights and institutions conferred by the law and constitution, which has rendered this House, in the exercise of its legislative as well as judicial functions, the sanctuary of justice, and the never-failing refuge of those who invoke its protection from oppression and wrong.

I pray your Lordships to reject this Bill.

Counsel having also been heard on behalf of the planters, merchants, and others, the further consideration and second reading of the Bill was then adjourned to Monday next; and the Lords summoned.

LORD ELLENBOROUGH. — I beg to ask whether the Noble Marquess will consent to lay on the table, on Monday, copies of those Acts of the Assembly which have expired since October last?

The MARQUESS of NORMANBY. — I have no objection to lay them on the table.

LIVERPOOL BUILDING ACT AMENDMENT BILL.

Brought from the Commons, and read a first time.

POOR LAWS AMENDMENT ACT.

Petition for alteration of, in relation to the bastardy clause, — of guardians of the Pocklington union. — Read, and ordered to lie on the table.

IRELAND.

Petition representing the present condition of the poor of Ireland to be most distressing, and praying for their immediate relief, by the adoption of measures calculated to give them proper employment, and also for the construction of railways, — of inhabitants of Mallow. — Read, and ordered to lie on the table.

ESTABLISHED CHURCH (CANADA.)

Petitions for the protection of, — of clergy of Whalley: and of the minister, churchwardens, and other inhabitants of St. Peter's, Wallingford; Landenny; and Ragland. — Read, and ordered to lie on the table.

Adjourned.

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HOUSE OF COMMONS.

PRIVATE BUSINESS.

KINGSTON UPON HULL DOCKS BILL.

Notice taken that this Bill had not been prepared in conformity to the Report from the sub-committee to whom the petition for leave to present the petition for the Bill was referred. — Order (17th June) for second reading of the Bill read.

SIR W. JAMES. — I move, Sir, that that Order be discharged, and that leave be given to withdraw the Bill. If there be no objection to that course, I shall, then, ask for leave to introduce another Bill in its stead, to empower the dock company to purchase and hold certain land near that town.

Mr. POULETT THOMSON. — It was my intention to have resisted the second reading of this Bill, as it is to oppose the introduction of another Bill in its place. The circumstances of these Hull Docks are peculiar; and as the public revenue is connected with the question, we should be cautious in not proceeding too hastily to legislate upon the subject. By the "Hull Dock Charter" the company is entitled to levy dues, not only on ships coming into the docks, but also upon all vessels, foreign or otherwise, entering the harbour; and these dues, according to the Reciprocity Acts, must be repaid by the Treasury. Then, the question regarding the limits of these docks is extremely doubtful, and will shortly be decided by a court of law. There are other questions pending, which this Bill will interfere with. Under these circumstances, I think it would be premature to give to any party an exclusive right over the land which the company seeks to acquire under this Bill for the purpose of extending the Hull Docks, as all other parties would be thereby debarred from competition on a future occasion. Besides, the conduct of the parties with regard to this Bill has been exceedingly objectionable and suspicious. The rules of the House have not been complied with; and, at all events, at this late period of the Session, I shall feel it my duty to oppose the introduction of a second Bill.

Mr. HANDLEY. — I deem it my duty to support the proposition of the Honourable Member for Hull, because, if carried into effect, it will be of very great advantage to that town. It is hardly fair of the Right Honourable Gentleman the President of the Board of Trade to object to the introduction of another Bill, because it was a mistake on the part of the solicitor which obliged them to abandon the former one.

Mr. BROADLEY. — I will go so far as to agree with the Right Honourable Gentleman the President of the Board of Trade, that the conduct of the parties who brought in this Bill is not such as we ought to sanction; but I do not conceive that to be a good reason for objecting to another measure, if that measure be, as I conceive it is, perfectly simple in its details, and most useful in its object. The Right Honourable Gentleman also objected to the introduction of such a measure at so late a period of the Session. Why, Sir, it could not have been brought forward any sooner. It is brought forward when the parties are legitimately entitled to bring it, — the petition for it having been actually presented before the Bill, authorising the sale of the land, had received the Royal assent, in the present month. The question as to the extent or limits of these docks will not affect this piece of land. It will neither take it out of, nor place it within, those limits. I cannot see, therefore, what foundation there is for the opposition of the Right Honourable Gentleman. He seems to think that the conduct of the parties has been such as to warrant suspicion. In what respect? They have done nothing that has not been done under legal advice. They now only ask permission to make a purchase of this land; and before they can take any further step, they must come to Parliament again. In conclusion, Sir, I have only to say, that the merchants of the town of Hull are in favour of the measure, — it is anxiously called for by the town, generally; and I do trust that the House will see the justice of allowing it to proceed.

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SIR W. JAMES. — The Right Honourable Gentleman having stated that the conduct of the parties to the Bill is open to suspicion, I beg to assure him and the House that I have the word of honour of the solicitor for the Bill, that it was through inadvertence, and through the advice of professional men, who were of opinion that the changes to be made in the Bill, according to the recommendations of the committee, might be made in the committee on the Bill, that the mistake arose. The Right Honourable Gentleman has said that there are important questions pending, which will be disturbed by this Bill. Now, I can only say, in reply to that objection, that I cannot possibly see how questions which are pending will be disturbed by this Bill, which is only in the nature of an Estate Bill. The fact is, that if the Bill be not brought in, the land may fall into other hands, by which the town of Hull, which requires additional dock room, will be deprived of an incalculable advantage.

Mr. PRYME. — That there is great want of dock room in Hull, I admit. I do not object to the introduction of the Bill on that account; but the parties seeking to pass this Bill do not propose to make an additional dock. What they propose is, to get possession of a piece of land, for the purpose, as they say, of making a dock; by obtaining possession of which piece of land, they will shut out all competition. It is not only the most eligible, but, I believe, the only eligible, piece of ground that could be appropriated to the construction of a dock; and yet we are called upon to allow it to be locked up for two or three years, without being appropriated to that purpose. If this Bill be obtained, the parties may come to this House at the expiration of that time more in the capacity of dictators than of suitors, — for they will be the sole possessors of the land in question. On these grounds, I submit, that the parties ought to come before this House, at once, with a Bill for making the dock.

SIR J. GRAHAM. — Sir, knowing how very difficult are the duties which my Right Honourable Friend the President of the Board of Trade has, at times, to perform, it shall always be my endeavour to support him when I consider him in the right, as I do in this instance. I have resisted all solicitation on the subject, — being determined to be guided by my view of the public interest, and by the discussion that might take place upon it in this House; and I must confess I am of opinion that the merits of the case rest with the observations of the Honourable Member who last addressed the House; and that we ought not to allow any step to be taken in this matter, until the subject is brought at once under the view of Parliament, both with regard to the powers to be granted and the object to be attained. The Honourable Gentleman has stated that the land in question is almost exclusively the piece of land suitable for increasing the docks. That being the case, the possession of it would be highly valuable, either for such a purpose, or for the purpose of preventing a rival company from enlarging the docks. I therefore think that Parliament should interfere to prevent this land from being placed in a position that may be disadvantageous to the public.

Mr. BETHELL. — I beg leave to state, Sir, distinctly, that the company have no intention other than to come fairly and fully before the Legislature, — that they have no direct interest in the matter, — and that their only wish is to do what they conceive will be most beneficial to the town.

SIR E. KNATCHBULL. — This, Sir, appears to me to be a question of very great difficulty. It is one, I assure the House, in the decision of which I have no personal interest whatever; but, upon the whole, I feel disposed to allow this Bill to be proceeded with. You, first of all, give to this company the power of purchasing the land; you give them no other power; they ask for no other power; and they will, of course, be obliged to come before you again in the next Session of Parliament, before they can proceed any further. I confess I do not see any objection to the withdrawal of this Bill, and the introduction of another in its stead.

Mr. CAYLEY. — I have only to observe, Sir, in support of the opinion just offered by the Right Honourable Gentleman opposite, that this application is not made without just reason, as far as public feeling is concerned; for, not only the corporation, but the Trinity House, the Town Committee, and the Chamber of Commerce, are all in favour of the proposed Bill.

The Order for the second reading having been discharged, and the Bill withdrawn, —

SIR W. JAMES said: — I now move,

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That leave be given to bring in a Bill "for empowering the Dock Company at Kingston upon Hull to purchase and hold certain Lands at or near Kingston upon Hull, and for other Purposes therein mentioned."

The House then divided: — Ayes 57; Noes 70; — Majority against the motion, 27.

AYES.

Alsager, Captain	Lascelles, Hon. W. S.
Baines, E.	Lister, E. C.
Barrington, Lord Visct.	Lockhart, A. M.
Bethell, R.	Lowther, Hon. Colonel
Bruges, W. H. L.	Lowther, J. H.
Burr, H.	Mackenzie, T.
Cartwright, W. R.	Maunsell, T. P.
Cayley, E. S.	Milnes, R. M.
Clerk, Sir G.	O'Brien, W. S.
Coote, Sir C. H.	Pakington, J. S.
Cresswell, C.	Palmer, G.
Dottin, A. R.	Pattison, J.
Duffield, T.	Perceval, Hon. G. J.
Duncombe, T.	Planta, Rt. Hon. J.
Duncombe, Hon. W.	Plumptre, J. P.
Egerton, Sir P.	Price, R.
Ellis, J.	Round, J.
Fielden, J.	Shaw, Right Hon. F.
Fremantle, Sir T.	Sheppard, T.
Freshfield, J. W.	Sibthorp, Colonel
Gordon, Hon. Captain	Somerville, Sir W. M.
Grimsditch, T.	Stanley, E.
Handley, H.	Stewart, James
Hodgson, R.	Trench, Sir F.
Hogg, J. W.	Verner, Colonel
Hughes, W. B.	Wodehouse, E.
Hurt, F.	Wood, Sir M.
James, W.	
Jones, J.	*Tellers.*
Knatchbull, Rt. Hon. Sir E.	Broadley, H.
	James, Sir W.

NOES.

Ainsworth, P.	Loch, J.
Archbold, R.	Lushington, C.
Barnard, E. G.	Macaulay, T. B.
Berkeley, Hon. H.	M'Taggart, J.
Blake, W. J.	Mahon, Lord Visct.
Bowes, J.	Maule, Hon. Fox
Brotherton, J.	Miles, W.
Buller, Sir J. Y.	Miles, P. W. S.
Busfeild, W.	Muskett, G. A.
Chester, H.	O'Connell, D.
Codrington, Admiral	Ord, W.
Courtenay, P.	Palmer, R.
Divett, E.	Parrott, J.
Douglas, Sir C.	Patten, J. W.
Dunbar, G.	Philips, G. R.
Estcourt, T. (Oxf. U.)	Roche, Sir D.
Ewart, W.	Rushbrooke, Colonel
Graham, Rt. Hn. Sir J.	Salwey, Colonel
Grant, F. W.	Sanderson, R.
Grey, Rt. Hon. Sir G.	Sanford, E. A.
Grote, G.	Scarlett, Hon. J. Y.
Hawes, B.	Seale, Sir J. H.
Hayter, W. G.	Smith, J. A.
Heathcote, Sir W.	Smith, B.
Hill, Lord A. M. C.	Smith, R. V.
Hope, Hon. C.	Somers, J. P.
Houstoun, G.	Stanley, Lord
Hutton, R.	Stansfield, W. R. C.
Knight, H. G.	Stuart, Lord J.
Langton, W. G.	Stuart, W. V.
Strutt, E.	Winnington, T. E.
Surrey, Earl of	Winnington, H. J.
Thomson, Right Hon. C. P.	Yates, J. A.
Turner, E.	*Tellers.*
Walker, R.	Pryme, G.
White, A.	Pease, J.
Wilshere, W.	

ALLISON'S DIVORCE BILL.

Order for further consideration of special Report, read.

Mr. FRESHFIELD. — This being the first case which has come before us under the new Orders to regulate our proceedings on Divorce Bills, the committee thought it their duty not to pass this Bill as a matter of course, but specially to call the attention of the House to the subject. In doing that, they feel that they will be discharging their duty. It is not my intention to ask for a vote affirming that the committee have done right; but if it be the opinion of the House that the committee are in error, it is desirable that that opinion should be made known, as the question will come before other committees on Monday next. The committee have acted, in this case, on the evidence taken before the Lords, and they hope that in doing so they have done right; but in order to afford time for consideration, I beg to move that the Bill be read a third time on Monday next.

Mr. WYNN. — I certainly think that sending this question to a committee upstairs is a convenient and desirable course; but my Honourable and Learned Friend will allow me to suggest whether, in the first case, it would not be better for the committee to report the result of the evidence shortly?

Mr. W. PATTEN. — I wish to call attention to that part of the Report which states that the agent, understanding, from the declared intention to refer the evidence taken in the House of Lords to this committee, that the attendance of the witnesses would not be required, had not summoned them from their several residences. *Now*, though the House of Lords may have been satisfied with that evidence, a committee of the House of Commons might not. I therefore think that no agent should be allowed to give notice to witnesses not to attend, as the committee is thereby deprived of the opportunity of hearing their evidence delivered personally.

Bill to be read a third time on Monday next.

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Dublin and Drogheda Railway. — Leave given the Select Committee on Petitions for Private Bills to sit and proceed on Monday next.

Pontefract Honor Court Bill. — Read a third time; amendments made; Bill passed.

Lord Templemore's Estate Bill. — Read a third time, and passed.

Ship Propeller Company Bill. — Petition of Bennet Woodcroft and Robert Gardner, against. — Referred to the committee on the Bill; counsel ordered.

Rathkeale (Limerick) Inclosure Bill. — Petition for enlarging the time for the committee to report, till Monday, 8th of July. — To lie on the table, and to be printed.

Ballochney Railway Bill; Norwich Tonnage Bill.—Lords' amendments agreed to.

SMALL DEBTS BILLS.

LORD STANLEY. — Perhaps I may be allowed to call the attention of the House for a few minutes to the proceedings to be adopted with regard to the numerous Small Debts Bills which have been introduced. The House is aware that the proceedings of all the committees on Small Debts Bills have been suspended till Monday next, in order that, in the mean time, some discussion on the subject may take place, with a view to produce uniformity in those Bills, by the adoption of some general regulations which would be applicable to all of them. I understand that the committee, appointed to consider whether a general measure cannot be brought forward, will sit on Monday; and I believe it is probable that that committee will, within a few days afterwards, make their Report. It is, however, possible that it may be found impracticable to introduce a general measure founded on that Report at so late a period in the Session; but even if such should be the case, I think a course might be adopted which would secure uniformity in Small Debts Bills, and at the same time enable all parties anxious for such Bills to proceed in the present Session. The course I would suggest is this; — that when the committee shall have reported, the chairman or some other member of the committee shall take the trouble of abstracting the leading and essential principles of the Report, — such as the constitution of the court, — whether it is to be composed of local commissioners, or a barrister, or a barrister acting as an assessor to the local commissioners — (which I am inclined to think would be the most expedient plan); — whether the commissioners are to be appointed by the Lord Chancellor, or another party; — whether they are to be paid by fees or salary; — and whether they may or may not interfere with private rights. That abstract being made, I would propose that the chairman of the general committee should then move an instruction to all committees on local Small Debts Bills to make provisions in those Bills in accordance with those leading principles of the general measure to be afterwards introduced. By the adoption of that course, a parliamentary authority will be given to the proceedings of the different committees, — those committees will be in a position to proceed on a uniform principle, — and all parties, anxious for local Bills, will be enabled to obtain them in the present Session, — while all of them will be in accordance with the general measure to be afterwards introduced. I would suggest, therefore, that it might be wise to suspend the proceedings of committees on Small Debts Bills for a short time beyond Monday; and that an early day next week should be fixed upon, — when, after a short debate, the House, I am persuaded, will be enabled to frame some general instruction which will allow all the Small Debts Committees to proceed on one uniform system, that will be sanctioned, not by any extraneous authority, but by the authority of this House. Perhaps the Learned Judge Advocate can say when the Report of the Committee on County Courts will be presented?

SIR G. GREY. — The committee is summoned for Monday next; and will, I have no doubt, in a very short time afterwards, make their Report, as they have already agreed on the principle upon which they propose that a general measure shall be founded. Whether we can apply that principle to a series of separate Bills, I will not undertake to say; but I certainly think such a course may be liable to a variety of objections.

LORD STANLEY. — The main object will be, to get a certain instruction laid down by the House for Private Bill Committees, if they are to go on with these local Bills. Surely it will not be impossible for the House to decide how the courts are to be constituted, how the persons to preside in them are to be paid, by whom those persons are to be appointed, or whether they will or will not interfere

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with private rights? Upon these four or five simple points the House might make up its mind, and give an instruction to the several committees to frame their Bills accordingly.

LORD JOHN RUSSELL. — I think the Private Bills before the House should be forwarded, if possible, without being subjected to the inconvenience of a delay, which, however, may be owing to the House itself. I own, without saying, at once, what course I shall take, that it seems to me that if the House is to consider the various points alluded to by the Noble Lord, it would be better to introduce, at once, some general measure on the subject, than to decide by any instruction, or any form of resolution, what those general points should be.

SIR G. STRICKLAND. — My great fear is, that the Session will pass away without anything being done, after the enormous expense to which the several parties with Bills before the House have been put, and are still subject. I am decidedly in favour of a general measure; but if that cannot be passed at once, — in justice to these parties, I think they should be allowed to proceed with their Bills, upon the understanding that they would only be continued until the general measure was passed.

Mr. P. THOMSON. — I agree with the Noble Lord, that it would be well, further to postpone the sittings of the committees on these Bills until we have the Report of the Committee on County Courts. After the declaration of the Chair the other day, we cannot allow those committees to proceed in the course suggested upon that occasion. I therefore move, "That the time for Committees on Small Debts Bills to report, be further enlarged till Monday, 8th of July."

Motion agreed to.

PUBLIC BUSINESS.

LIGHTING THE HOUSE.

Mr. WALLACE. — I beg to inquire of the Honourable Member for Kilkenny, whether there is any prospect of seeing the "new lights" in the House soon, or not?

Mr. HUME. — Sir, I can only inform the House that the committee appointed to consider the question have taken all the evidence they intend to receive, and will meet on Wednesday next, to decide upon the course most likely to lead to the desired result. On Wednesday, therefore, I shall be enabled to give an answer to the question of the Honourable Member.

IMPRISONMENT FOR DEBT.

Mr. HUME. — Sir, I beg to move for a Return of the number of persons confined for debt in her Majesty's gaols in Middlesex and Surrey, and the other counties in England and Wales; and, also, a similar Return with regard to Scotland and Ireland; with a view of ascertaining how far the Bill which has recently passed the two Houses of Parliament has been successful in its operations.

Motion agreed to.

ADMITTANCE TO THE TOWER.

Mr. HUME. — Sir, this House, on the 14th of March, ordered Returns to be made of the number of persons admitted to view the Tower and the *regalia;* and also of the number of persons admitted at the Royal Academy. I beg, now, to move that they be made forthwith.

LORD JOHN RUSSELL. — I believe there is some doubt upon the subject of these Returns, and therefore I hope that the Honourable Member will have no objection to postpone his motion for a few days.

Mr. HUME. — My only object is to obtain the Returns in continuation of those already made; and I beg to say that I shall renew my motion on Tuesday next.

SHANNON NAVIGATION BILL.

Mr. O'CONNELL. — Sir, I beg leave to withdraw my motion that the Grand Canal Company should be heard in opposition to this Bill, on its coming before the House to be read a second time.

CANADA.

SIR ROBERT PEEL. — Sir, the Noble Lord opposite expressed his intention to intimate to the House what course he proposed to pursue with respect to the Bill providing for the union of the two provinces of Canada; and said that, if he proposed to press that Bill upon the

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House, he would declare his intention this evening. I beg the Noble Lord, now, to afford the House the information required.

LORD J. RUSSELL.—I have to state, for the information of the Right Honourable Baronet, and those who act with him, that I do not mean to press the second reading of that Bill this Session.

Mr. C. BULLER. — May I inquire of the Noble Lord, whether it is his intention to take any further steps, this Session, to provide for the government of Canada? and whether the subject is to be brought under the attention of the House at all?

LORD J. RUSSELL. — I stated, yesterday, that the Bill for the government of Canada would be proceeded with, with a view of carrying it into a law.

Mr. C. BULLER. — For the union of the two provinces?

LORD JOHN RUSSELL. — No. I announced some time ago, with regard to that question, that despatches had arrived from Upper Canada, stating the opinions which were entertained in reference to it by the House of Assembly, and by a committee of that House. Further despatches were received yesterday, which have been read to-day, from the Governor of Upper Canada, stating some important circumstances as to the state of that province, which induce me to think that it would not be expedient, unless absolute necessity should compel the adoption of such a course, to have a discussion in this House as to that question, lest some unforeseen mischief might thereby be produced in the province.

SIR ROBERT PEEL. — These were exactly the grounds on which I thought the question should be discussed. Will the Noble Lord indicate at once, or on some early day, — as we are not to proceed to legislate permanently with regard to Canada, — what course he intends to pursue, on a future occasion, to bring this question to an issue? Many persons are exceedingly anxious to know what is the intention of the Imperial Parliament upon this subject; and I venture to say that it will become necessary that they should apply themselves to the question, as one of paramount importance, — what is to be the situation of the Canadas? I request the Noble Lord, therefore, to state exactly the course which is to be adopted, — whether at the commencement of the next Session we are to send for persons to be examined at the bar of the House? or what other means are to be taken with a view to a proper decision being arrived at?

LORD JOHN RUSSELL. — I think it better that I should answer the question of the Right Honourable Baronet now. I propose, then, in the course of the present Session, as I have already stated, to proceed with the further stages of the Bill, which will remove those difficulties that now stand in the way of the temporary government of Canada. It is the expressed intention of the Government to propose a plan, of which I have already given the outline, for the purpose of effecting the union of the two provinces. It has appeared from accounts which have been received, that the plan of the union, which was at first adopted of their own accord, and not only at the instance of several parties in the province of Lower Canada, but also of persons of great influence in the House of Assembly in Upper Canada, has since been the subject of considerable discussion; and by the last accounts it was shown, that, considerable difficulties prevailing upon the subject, a general desire existed — among one great party, at least — that the House should not proceed to legislate without first hearing the whole detail of the case of Upper Canada. I think, therefore, that it is necessary we should not endeavour to carry any further a measure providing for the union of the two provinces, without giving every fair consideration to the views which may be urged as to the manner in which that union ought to be carried into effect. It is the intention of the Government, then, having proposed their Bill, and having laid it before the House, to send it out to Canada, accompanied by certain instructions, with a view to obtain as general a concurrence as may be possible in the plan; and I hope that, at an early period of the ensuing Session of Parliament, we may be prepared with a plan which will be likely to tend to the permanent settlement of the question. The Right Honourable Baronet has stated that he objects to the course which I intend to pursue. Now, I do not in the least degree find fault with any objection he may have to make as to the line proposed to be adopted with regard to the union; but I must say that I believe that a very great part of the difficulties which have arisen with regard to the Canadas, in bringing forward any plan respecting them, has proceeded from the discussions which have taken place having been carried on, not so much with the purpose of re-

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lieving Canada, as for other purposes; and also from the course which was adopted, at the end of the last Session, with regard to the government of Lower Canada. My own belief is, that, if Lord Durham had been allowed to continue in the course which he was pursuing, he would have enabled Parliament to come to some decision which would have been satisfactory to all parties.

LORD STANLEY. — I did not quite understand the Noble Lord as to the course which he means to take as regards the Canada Government Bill. I understood the Noble Lord to say, that it is his intention to send out a Bill to Canada for the purpose of obtaining as general a concurrence of opinion in that province as possible; but I did not understand whether the Noble Lord, with the information he has received to-day, intends to send out the Bill which has been printed this morning, and delivered to Members? or whether he intends to withdraw that Bill, and send out another, embodying a different proposition?

LORD JOHN RUSSELL. — It is the intention of Government to send out the printed Bill to which the Noble Lord refers.

METROPOLIS POLICE BILL.

COLONEL SIBTHORP. — Sir, I wish to inquire whether the Noble Lord the Secretary for the Home Department can state to the House the day on which he intends to proceed with the Metropolitan Police Bill?

LORD JOHN RUSSELL. — I shall proceed with it on Thursday next, if possible.

FACTORIES.

LORD ASHLEY. — In consequence of a technical informality, I beg to withdraw the notice which I gave of a motion for an instruction to the Committee on the Factories Bill, and, at the same time, to ask the Noble Lord when he intends to lay on the table the last Reports of the factory inspectors, which has now been due ever since March last — and which, I have been given to understand, contains most important matters relating to the operation of the Factory Act?

LORD JOHN RUSSELL. — I have no objection to lay the Reports in question on the table; but I am not quite sure that they are now in a state to enable me to do so.

LORD ASHLEY. — But they have been due to the House three months and more.

HARBOURS OF REFUGE.

Mr. CAYLEY. — I wish to inquire whether, with reference to what fell from the Right Honourable Gentleman the President of the Board of Trade, on a former evening, he will be prepared, on the part of the Government, to propose any measure on the subject of harbours of refuge on the north-eastern coast?

Mr. P. THOMSON. — Sir, I deny that anything fell from me, on a former occasion, to justify the Honourable Member in supposing that Government had taken up this question. On the occasion referred to, I objected to a particular Bill, by which tolls were authorised to be levied, being introduced as a Private Bill, — thinking, as I did, that a Bill giving such an authority ought to have been a Public Bill. Nor can I give the Honourable Gentleman an affirmative answer as to whether the Government will take up the question of harbours of refuge; for no sooner is it suggested that any one particular spot is fitted for the purpose in any part of the kingdom, than up start five or six Gentlemen, each maintaining that there is some other spot in his own immediate neighbourhood more especially adapted to the purpose. I can, however, promise that the Admiralty will give every assistance in their power in perfecting the survey of the coast.

Mr. CAYLEY. — Am I to understand that the survey by the Admiralty will be made forthwith?

Mr. P. THOMSON. — All that I said was, that the Admiralty would give every assistance in their power, — that is to say, as far as the use of the charts in their possession. For the Admiralty to have a survey of the coast expressly made, would be useless and unnecessary.

MISCELLANEOUS PETITIONS.

The following petitions were presented, and ordered to lie on the table; namely, —

Sale of Beer Bill, — From Stickney, against.

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Church Establishment (Canada), &c., — From Hereford, for extension.

Postage, — From Marlborough, for a low and uniform rate.

Elective Franchise, &c. (Ireland), — From Kilfermane and Ardpatrick, for extension.

Government of Ireland, — From Rathkeale, in support.

Collection of Rates Bill, — From the Cambridge union, against.

County Courts Bill, — Of George Henry Bays, against.

RETURNS, &c.

Debtors. — On the motion of Mr. HUME, Address for —

Return of the number of persons confined for debt at this time, in the prisons in London, Middlesex, and Surrey, stating, in classes, the years in which they were imprisoned:

Similar Return from all other prisons for debt in England and Wales:

Similar Return from all other prisons for debt in Scotland:

Similar Return from all other prisons for debt in Ireland.

Death by Poison. — Return presented from the coroners of England and Wales, — of all inquisitions held by them in 1837 and 1838, in cases where death was found by verdict of jury to have been caused by poison (Address 8th of March.)

Accidents in Mines. — Returns presented, — of coroners' inquests held on the bodies of persons killed, during the last five years, in coal pits, lead and other mines (Address 6th of March.)

Prisons (Scotland). — Returns presented, — of all sums expended in Scotland in building, rebuilding, altering, and repairing prisons, between the 1st day of January, 1818, and the 1st day of January, 1839 (Address 22d of April.)

Severally ordered to lie on the table.

SEWERS BILL.

Report brought up, and read, as follows: —

Resolved, That in consequence of the late period of the Session, and its being nearly impossible that the committee should be able to give due consideration to the numerous and important alterations proposed in the law, the committee recommend that the Bill should not be proceeded with during the present Session.

Report to lie on the table.

MESSAGE FROM THE LORDS,

That they have agreed to — Bills of Exchange Bill; Manchester and Birmingham Railway Bill; Monkland and Kirkintilloch Railway Bill; Liverpool Churches Bill; Peterborough Gaol Bill, with amendments.

That they have passed a Bill, intituled, "An Act for apportioning the Spiritual Services of Parishes, in which two or more Spiritual Persons have Cure of Souls, generally, throughout the Parish."

Also, a Bill, intituled, "An Act for the better Protection of Parties dealing with Persons liable to the Bankrupt Laws."

BILLS OF EXCHANGE BILL.

To be printed, as amended by the Lords.

METROPOLITAN POLICE COURTS.

Committee to consider of authorising an advance of 50,000*l.* out of the Consolidated Fund of the United Kingdom of Great Britain and Ireland, for defraying the expenses of Metropolitan Police Courts (Queen's recommendation signified), on Wednesday next.

BANKRUPTS' ESTATES (SCOTLAND) BILL.

Read a third time, and passed.

OVERLAND COMMUNICATION WITH INDIA.

Mr. M. PHILIPS. — I wish to put a question to the Right Honourable Baronet the President of the Board of Control with reference to the present state of steam communication with the East Indies. Are the papers moved for last Session on this subject prepared? and how soon may they be expected to be laid on the table of the House? With reference, also, to the public meetings which have taken place on the subject of overland communication with India through Egypt, has the Right Honourable Gentleman received any communications? and will he make them public?

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SIR JOHN HOBHOUSE. — Sir, the Returns to which the Honourable Gentleman alludes, were moved for last Session, but there has not been time to prepare them before the close of the Session; and as the order for their production has not been renewed, the East India Company have thought themselves not called upon to present them. If, however, the Honourable Gentleman wishes for them, they shall be presented. As to the other question of the Honourable Gentleman, it is quite true that I have received several written communications from Mr. Curtis, the chairman of the association, on the subject, and that I have written in answer to those communications, and also communicated with the East India Company. With regard to the communications with Mr. Curtis, I cannot in courtesy agree to make them public; but if that gentleman think fit to do so, I cannot prevent him.

Mr. M. PHILIPS. — I also wish to know whether the expression of public opinion which has been witnessed, will lead to an extension of the means of communication to Ceylon and Madras, as well as to Calcutta and Bombay?

SIR JOHN HOBHOUSE. — No steps have been taken either by the Government or the Company to extend the communication to Ceylon and Madras, as well as to Calcutta and Bombay. The Honourable Gentleman will, no doubt, remember that the recommendation of the committee which sat on the subject was, that Bombay, alone, should be the subject of the first experiment. Only two years have elapsed, and the experiment has, therefore, not been sufficiently tried, to show whether such extension is absolutely called for.

SHANNON NAVIGATION.

SIR F. TRENCH. — May I inquire whether the intention of the Right Honourable Gentleman the Chancellor of the Exchequer is to mend or to rebuild the Bridge of Athlone? or whether it is to remain in its present abominable state, and to await the fate of the Shannon Navigation Bill?

The CHANCELLOR of the EXCHEQUER. — Sir, the rebuilding of the Bridge of Athlone forms a part of a general Bill for improving the navigation of the Shannon, which is now on the table of the House; and I cannot separate that Bill into distinct parts. For the delay of the Bill I am not responsible; it has arisen in consequence of a petition having been presented, praying that counsel be heard at the bar against the Bill. That opposition has now been withdrawn, and I therefore intend to move the second reading of the Bill at once.

BANKING IN IRELAND.

Mr. HUME. — Sir, I wish to know whether the Right Honourable Gentleman the Chancellor of the Exchequer will name a day for the introduction of the Irish Banking Bill?

The CHANCELLOR of the EXCHEQUER. — The Governor and Deputy Governor of the Bank of Ireland have arrived in town this day, and I shall therefore be able to name an early day for the discussion. In the present state of the public business, I cannot now name the day; but I will certainly take the very earliest opportunity of pressing on the measure.

Mr. O'CONNELL. — I do not see how the Right Honourable Gentleman can satisfy the people of Ireland by introducing such a Bill at so advanced a period of the Session. Would it not be better to state the nature of the plan at once, and let it stand over till next Session? It now seems that the Right Honourable Gentleman is about to act on a principle different from that which he formerly stated — hypothetically, at least. It seems that he now proposes to keep up the monopoly of the Bank of Ireland to the extent of fifty miles round Dublin.

OUTRAGE ON THE BRITISH FLAG.

LORD VISCOUNT INGESTRE. — Sir, I have observed from the public prints, that another outrage on our flag has been committed in the Mexican Seas. Has the Admiralty received any information on the subject?

SIR T. TROUBRIDGE. — The Noble Lord must be aware that, on a subject of such importance, a proper notice ought to have been given; and that it would be most improper for me to answer from memory, without first referring to the facts to which his question relates.

LORD INGESTRE. — Then, Sir, I give notice that I shall ask the question on Monday next.

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POOR LAW ACT CONTINUANCE BILL.

Mr. HAWES.—May I inquire when the Noble Lord will bring forward the Poor Law Act Continuance Bill? I hope full opportunity will be given for discussing so important a measure.

LORD J. RUSSELL.—I will give due notice before the Bill is brought in.

ELECTION PETITIONS' TRIALS BILL.

On the Order of the Day for the further consideration, in committee, of the Report of this Bill,—

LORD JOHN RUSSELL said:—Sir, I now propose to bring up the clauses I have framed, for the purpose of carrying into effect the proposal I made to the committee.

Additional clauses brought up, and Bill reported.

The Bill was then recommitted; considered in committee, and reported; further consideration of Report on Thursday next; Bill, as amended, to be printed.

MUNICIPAL CORPORATIONS (IRELAND) BILL.

LORD JOHN RUSSELL.—I beg, now, to move the Order of the Day for going into committee on this Bill.

On the question being put,—

Mr. SHAW said:—I really should like to know in what position we stand with respect to this Bill? The second reading was suffered to take place without discussion, excepting upon some differences of opinion amongst those who sit on this side of the House. The discussion upon former Bills, on the same subject, took place on motions for going into committee. The present Bill, I believe, was committed, *pro formâ*, without discussion, and various additions have been introduced into it, some of them making very material changes in the Bill. Altogether, a Bill of 250 clauses has been produced,—being 34 more than the Bill which was presented in February; there is, likewise an Appendix of 20 pages; and all this without explanation from the Government. The present Bill contains a totally new principle of franchise: it proposes, for the first time, to apply the English franchise to Irish corporations. Looking to the importance of the principle, and the short time that has been given for considering the effect of the new clauses introduced, I put it to the Noble Lord, whether it is quite fair to go into any matters, to-night, on which there may be a difference of opinion? It was not until the last two days that any intimation at all was given of the intentions of the Government to bring it forward this evening. The Noble Lord cannot charge this side of the House with having caused any delay, up to the present moment. As I stated last night, it was not considered, until very lately, that the Government intended to persevere; and, certainly, under all the circumstances, Gentlemen on this side of the House did not expect to be pressed into a discussion of the measure without a longer notice. Now, I am disposed to make what may be considered a fair compromise, and to give up the right of taking any discussion, now, on the question that the Speaker do leave the chair. If the Noble Lord will consent to go into committee, *pro formâ*, such clauses as will not raise considerable discussion might be agreed to. The others can be deferred; and I, and the Honourable Gentleman with whom I act, will then have time to consider the real points upon which we objected, and upon which we will ultimately divide. For instance, the clauses up to the sixth can be agreed to without serious division. The clauses to which objection exists may be brought on at a future period.

LORD JOHN RUSSELL.—I cannot say that I think the Right Honourable Gentleman is prepared to make any great concession. The Right Honourable Gentleman says, in the first place, that he is ready to give up the right, which he and his friends certainly have, of taking a discussion on the question that the Speaker do leave the chair, as has been done on former occasions. But the Right Honourable Gentleman should recollect that, last year, a different course was pursued with respect to this Bill. Previously, it had been contended by Honourable Gentlemen on the other side, that it was better to extinguish corporations altogether,—which was a principle entirely different from that of the present Bill. Last year, a different course was adopted, and it was stated by Honourable Gentlemen on the other side, that they were prepared to consider the question of corporations founded on an elec-

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tive or popular principle, and, therefore, that they differed only upon details. After such a statement, and especially after a discussion and division had taken place upon the second reading of the Bill in the present year, I thought that there was no opportunity, now, for going back to a question which must be considered a dead and by-gone question. The question, at present, is as to the details of the Bill; and when I proposed that the Speaker should leave the chair, to go into committee on the Bill, I felt that it had been kept a sufficiently long time before the House. It was introduced in February, and went into committee in April. The Right Honourable Gentleman says that he is ready to allow us to go as far as five clauses of the Bill; but he will retain the right of objecting to every word and syllable of the 245 clauses that remain. Now, I do not think that the concession is to be received with any extraordinary gratitude. I think it would be better to go on with the Bill, and go at once into the clauses upon which there is the greatest difference of opinion, — those with respect to the franchise, — and leave the more complicated clauses until the Right Honourable Gentleman is prepared with his amendment. I will either do this, or go regularly through the Bill, as the House may think proper.

Mr. SERJEANT JACKSON. — Sir, I do trust the Noble Lord will not press on the consideration of the Bill, which many Gentlemen on both sides the House believed the Government did not intend to proceed with this Session; — for the Bill, which was introduced in February, has been postponed from week to week. The Bill, as amended, has not been, in a printed form, beyond a fortnight or three weeks; and it is increased from 216 clauses to 250. Here is a series of 34 new clauses introduced, — ten of which — beginning at the 184th — have for their purpose the amendment of the Poor Relief Act; and I am very much disposed to doubt the propriety of inserting them here. The qualification provided by this Bill is different from what it was in former Bills. The qualification established by the Bill is an 8*l.* qualification, but it is to last only for three years. After that, as I collect from the Bill, every person who is assessed to the poor-rate, at however small a payment, is to have the borough qualification. If the 8*l.* qualification were to be permanent, I could understand how one series of clauses should be introduced; but, as this qualification is to last for only three years, I cannot perceive the object with which they have been inserted in the Bill. The Bill is thus, for some cause or other which I cannot understand, encumbered with this series of clauses for the amendment of the Poor Relief Act, which ought to be the subject of another Bill. I really, therefore, think that the House ought to be allowed some little time for the consideration of the 250 clauses contained in the Bill. I may, here, observe that the powers given to the town councils by this Bill are extremely formidable. I boldly assert that, under this Bill, it will be in the power of the town council to create any number of offices they please; to allocate any amount of salary they think fit; and to supply any deficiency in the borough fund for those purposes, *by* taxing, *ad libitum*, the inhabitants of the town.

An HONOURABLE MEMBER. — No, no!

Mr. SERJEANT JACKSON. — My Honourable Friend says, "No!" but I can direct his attention to the clauses by which the power is given as I state. I say they have the power to create new officers — to pay what salaries they please — and to tax the inhabitants for the purpose of raising funds to pay those salaries; and, moreover, this they have power of doing in the most objectionable manner, — namely, by the gradinated scale of the 9th George IV. In the first place, to show that they have the power to appoint officers, I refer my Honourable Friend to Clause 79. I do not say that this is a new clause; but it is new with respect to former Bills; and I call upon the House to be cautious how they sanction a principle of this dangerous kind. Clause 79., then, is to the effect that the town council in every borough in Schedule A, in the year in which this Act comes into operation, shall appoint fit and proper persons to be town clerk, and such other officers as are usually appointed in such boroughs. Now, I say this is an unlimited power. Then, as to taxing, I beg to refer the House to *Section 108.*, which empowers the town council, in case the borough fund should be insufficient for the purposes aforesaid, *to estimate*, from time to time, what fund will be sufficient for carrying into effect the provisions of this Act, and to order a rate to be made. And for that purpose the council are to have all the powers conferred by the Act of 9 George IV. I think that I have now satisfactorily shown that these councils are to have the power of appointing officers in such num-

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ber as they may think fit,—that they are to have the power of fixing the salaries, and of raising such sums as may be necessary to pay them under the 9th of George IV., according to that most unjust standard of taxation, the graduated scale. Surely, these are most formidable powers to be given to the town councils. Nay, I see nothing in the Bill to prevent the corporation of Dublin making the Honourable and Learned Gentleman opposite (Mr. O'Connell) Lord Mayor of Dublin, and giving him a salary of 50,000*l.* a-year, which they might make the citizens of Dublin pay.

[Cries of "Hear, hear!" and laughter.]

I have stated that there is one series of clauses, the object of which properly relates to the amendment of the Poor Law Act passed last year. There is also another series, from Clause 144. to Clause 155., which involve a principle quite new. I am not saying that these may not be very judicious clauses; but I maintain that they contain a perfectly novel principle, and that they did not appear in the Bill as printed in February. Honourable Gentlemen who represent English and Scotch cities and counties may not be aware how we manage fiscal matters in Ireland. In Ireland, all funds for local purposes are raised by the grand juries; but this Bill proposes to transfer this power to the town councils in boroughs. This, therefore, is an innovation upon the practice hitherto established, and requires time for consideration. The House should be cautious how it confers such a power on a town council; and, at any rate, it should take care to introduce proper guards against the dangers which might accrue from the town council being armed with this new authority. I think that, if this power were conferred upon the town council, the franchise should, at any rate, be considerably extended. Votes should be given to the landlords of persons not holding leases, who would not have votes themselves. Again, the 193d section contains a provision, the object of which, I confess, I do not understand. It provides that all tenements in these boroughs shall be separately valued. Time, therefore, is required to enable the House to look into that, and to see to what purposes the clause might be applied. I, for one, will agree entirely to the introduction of provisions which will bring about a perfect valuation. The sixth clause, also, appears to me to have some particular object in view, as the clause can only apply to the city of Dublin. The clause seems to point to that particular custom in Dublin, which was put forward and established by affidavit in the case known as Hancock's Case, in "The King *v.* The Corporation of Dublin." The corporation claimed to have a *veto* on the freedom of any individual, and a writ of *mandamus* was, accordingly, refused on the ground that the custom was a reasonable custom. There is no other corporation in Ireland to which such a right belongs; and it is therefore perfectly manifest that this clause has been introduced with a particular object in view. Sir, I will not, now, detain the House further.

LORD VISCOUNT MORPETH.—I am inclined to think, from what has already occurred, that not much time would be gained if we were to proceed, now, to discuss the Bill in committee. I am quite ready to conduct our political differences in a conciliatory spirit, and in a mode most likely to advance the public business; and therefore, if the Right Honourable and Learned Recorder still adhere to the objections which he has raised, perhaps he will allow the House to go into committee, now, and take some of the unobjected clauses,—postponing those on which considerable discussion is expected to arise,—it being understood that the points likely to be discussed shall be fully considered beforehand, and that notice shall be given, if possible, of the amendments which it is proposed to make. If that arrangement be acceded to, I should hope that no further objection will be made to you, Sir, leaving the chair, in order that the House may go into committee at once, and address themselves to the points not in dispute.

Mr. O'CONNELL.—I only hope that, when the subject is next discussed, we shall really go on with the business.

On the question being put, "That the Speaker do leave the chair,"—

Mr. Serjeant Jackson presented petitions against the Bill,—from Galway; and Youghal.—Ordered to lie on the table.

SIR GEORGE SINCLAIR.—I wish to take this opportunity of stating that it is my determination to persevere in opposing this Bill. I consider the measure calculated to injure, seriously, the Protestant interests of the country; and although I will not, now, trespass upon the time of the House, I reserve to myself the right of stating, at length, on the bringing up of the Report, the reasons

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why I object to this Bill, — all of which have been strongly confirmed since last year.

The House then resolved into committee, Mr. BERNAL in the chair.

The preamble was postponed.

Clauses 1. to 5. were severally agreed to.

Clauses 6. and 7. were severally postponed.

Clauses 8, 9, and 10. were severally agreed to.

Clauses 11, 12, and 13. were severally postponed.

On Clause 14. being put, —

Mr. LITTON said: — Really, I feel myself quite incompetent, in proceeding at such a rate with the Bill, to decide how far clauses which now appear valueless to one side of the House, and innocuous to the other, may become valuable and important by the rejection or passing of other clauses. Many of the clauses now passing as a matter of course, and with our consent, may break up the spirit or letter of some other clauses, or may render the Bill a mass of confusion; and thus, clauses now passed as a matter of course, may become ridiculous, useless, or injurious. I do not see that any time will be gained by the course we are taking; and, really, it is impossible to understand the Bill by thus advancing from the thirtieth to the fiftieth, and from the fiftieth perhaps to the hundredth clause.

LORD VISCOUNT MORPETH. — I do not see the evils which the Honourable and Learned Gentleman seems to apprehend. All the clauses up to 20. appear to be of a formal nature.

Mr. LITTON. — I beg the Noble Lord's pardon. I, for one, have a great objection to the tenth clause. Now, the committee passed that clause in a moment. That is the reason I object to going on in this way.

Mr. O'CONNELL. — The Honourable and Learned Gentleman can reserve himself for the bringing up of the Report.

Mr. SERJEANT JACKSON. — I do not think there is any objection to going on up to Clause 19. inclusive. At Clause 20. we must stop.

The clause was then agreed to.

Clauses 15. to 19. were severally agreed to.

LORD JOHN RUSSELL. — It will be convenient if the Right Honourable and Learned Gentleman will give notice of the clause he means to object to, and the amendment he means to propose.

Mr. SHAW. — If the Noble Lord will let us know when he will go into the Bill, I will endeavour to give due notice of my amendments.

LORD JOHN RUSSELL. — On Thursday.

The House then resumed; the Chairman reported progress, and obtained leave to sit again on Thursday next.

PUBLIC OFFICES (DOWNING STREET).

On the motion of the CHANCELLOR of the EXCHEQUER, committee nominated: — Mr. Robert Gordon, Sir Robert Peel, Mr. Warburton, Mr. Goulburn, Mr. Hawes, Sir Robert Harry Inglis, Mr. Robert Steuart, Sir Thomas Fremantle, Mr. Hume, Colonel Davies, Mr. Edward John Stanley, Lord Charles Fitzroy, Mr. Planta, Sir De Lacy Evans, and Mr. Greene. — Power to send for persons, papers, and records; five to be the quorum.

SHANNON NAVIGATION BILL.

The CHANCELLOR of the EXCHEQUER. — I beg, now, to move that this Bill be read a second time.

On the question being put, —

AN HONOURABLE MEMBER said: — I do not rise to oppose the second reading of this Bill; but I cannot help stating that a commission for the purposes of this Bill is, in my opinion, unnecessary, as I think the business might be transacted by the Board of Works.

The CHANCELLOR of the EXCHEQUER. — In answer to the remark of the Honourable Gentleman, I will briefly explain that there are to be three commissioners; two of them are Colonel Burgoyne and Mr. R. Griffiths, who are to act gratuitously, and Captain Jones, the chief engineer, who was recommended by Colonel Burgoyne, — and he, only, is to be

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paid. The whole question, however, will be better discussed in committee. There are stringent clauses in the Bill which I deem to be absolutely necessary in order to insure the repayment of the money advanced; for, however anxious I may be to promote the improvement of Ireland, I am bound to do my duty as a public officer, and to protect the public purse. The question of compensation has been already disposed of, and I hope it will not be renewed. I only ask the House to give its consent to the second reading, and to reserve all discussion on the details of the Bill until it goes into committee.

Mr. LUCAS. — For my part, I do not object to the stringent provisions of the Bill; for it has been observed that the sums advanced by this country in aid of public works in Ireland are never repaid. I hope that the Chancellor of the Exchequer will enforce the payment of the loans to Ireland; for he will then do a service to the country, — inasmuch as, without a proper understanding on this subject, public credit must be injured, and the difficulty of getting capital into Ireland increased. What is intended to be a loan, should be so called when asked for, and the payment of it should be insisted upon; but where there is no prospect of repayment, it would be much better to call it a grant at once.

Mr. O'CONNELL. — I think that gratuitous commissioners are, generally, very bad commissioners. I hope that the question of compensation will not be opened in committee, — that no discussion will take place as to whether too much or too little has been given. I knew one instance in which the claim was for 30,000*l.*, and the award was made for 5000*l.* only. I did not bring the case before the House; but I advised the parties to submit, rather than to re-open the case. I think the provisions of the Bill with regard to the repayment of loans cannot be too stringent. I must tell those who think that Ireland borrows money and never pays it, that not one shilling was ever raised on the county rates of Ireland, by a general Act of Parliament, but it was repaid, and that with interest at the rate of 5 per cent. When I hear men talk of a matter of bounty, and that the English Members of this House are ready to advance money as a bounty, I must say that I do not think such measures any bounty at all, but a severe burden upon Ireland, seeing that 5 per cent. must be paid for money raised at 3½ per cent. I challenge any Honourable Gentleman to produce a case where borrowed money was not repaid by Ireland to the last farthing.

The CHANCELLOR of the EXCHEQUER. — Rather than reopen the question of compensation, I would give up the Bill. I shall certainly resist any attempt to go into that subject again.

Mr. SHAW. — I consider it a great national object, as much to the credit of England as to the advantage of Ireland, that English credit should be made instrumental in promoting Irish objects; and, on the other hand, there should be a full assurance of repayment. I quite agree with my Honourable Friend behind me, that there is a general impression — and I cannot help thinking, with the Honourable and Learned Member for Dublin, that it is an unjust one — that money advanced to Ireland is, generally, not repaid. There is no instance, I believe, of money being fairly lent to Ireland without having been repaid. It is quite useless to refer to loans to the clergy, because every one knows that they were made under circumstances which precluded all just expectation of repayment. I believe that, if it had not been for this impression, money would have been promptly advanced for railways in Ireland.

Mr. HUME. — I am quite satisfied that the proposition for advancing money for railways was lost in consequence of the impression in this House that the money would not be repaid. I cannot but regret that the further discussion upon that question has been given up. Money could not be lent for a better purpose; and I hope her Majesty's Government will not fail to introduce a measure early in the ensuing Session. I find that 29,000,000*l.* of money paid up, and 12,000,000*l.* to be paid, is the amount laid out upon railways in England alone; and if proper measures had been taken, a very large amount of money would now be circulating in Ireland.

Mr. SERJEANT JACKSON. — I feel very much the vast importance of the Shannon navigation, to Ireland and this country, and also the vast importance of railroads. I am not aware whether the Right Honourable Gentleman knows it, — but there is an impression abroad that the Shannon Navigation Bill is a job, and that the Right Honourable Gentleman has nothing but a job in view. I am glad to hear, however, from the Right Honourable Gentleman, his declaration that he does not mean to pay any other commissioner than the one who must necessarily be very much employed in the work; and

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that the Bill is not got up for the purpose of putting patronage into the hands of the Government. As I opposed the plan for railroads in Ireland, I think it right to say that, upon hearing the subsequent statements of the Noble Lord the Secretary for Ireland, the objections I entertained were entirely removed by what I then understood to be the view of the Noble Lord. I therefore cannot but express a hope that the Government will press forward their amended project early in the ensuing Session, — when I trust they will receive general support.

Mr. S. O'BRIEN. — I hope the Noble Lord the Secretary for Ireland will not, even now, finally abandon his railway scheme, but that he will take the sense of the House upon it; if so, I am sure the Noble Lord would now carry it by a large majority. With respect to the Bill before the House I will merely observe that it has my cordial support.

LORD VISCOUNT MORPETH. — I have no intention to enter, at this time, into the merits of the Railway question; I only hope my Right Honourable Friend the Chancellor of the Exchequer will be more successful in his scheme of water carriage, than I was in that of land carriage. I have been involuntarily compelled to abandon that measure; but had I been allowed to prosecute it, I am sure I could have satisfied the Honourable and Learned Member for Bandon that any notion of patronage was as unfounded in that instance as it has been proved to be unfounded with respect to the Bill in the hands of my Right Honourable Friend.

Mr. WYSE. — I deeply regret that the Irish Railways Bill has been given up, almost without consideration; and I trust, if the Noble Lord does not renew the question in the next Session, that some Honourable Member on one side of the House or the other will do so, and thus afford an opportunity, not only of discussing the merits of the measure, but of clearing the Irish people from the aspersions which have been cast upon them. I concur with the Honourable Member for Kilkenny in thinking that if the plan of the Noble Lord had been acted on in England, large sums might have been saved in the construction of railways; the monopolies by which, I fear, the country will ere long be embarrassed, would not have been created; and the public might have secured those profits which now go into the hands of private individuals.

Mr. WARBURTON. — I should have been glad if the Government had not abandoned their scheme with reference to Irish railways, if it had only been for the purpose of affording a comparison between railroads constructed by the Government, and those undertaken by private individuals; and of thus ascertaining which system of construction is the more calculated to promote the public interests. With this view, I hope, early next Session, the Government will renew their scheme.

Mr. DARBY. — I should not have offered one word upon this occasion, but for what has been said upon a question not now before the House, — the Government scheme for the construction of railways in Ireland. My opinion is, that such matters ought to be left for private speculation, and free from Government interference. Therefore, if the object of this Bill were to authorise an advance of the public money for the construction of railways under the control of the Government, I should object to the second reading; but as it is not, and believing that some benefit will arise from it, I, for one, hope the House will allow it to pass without opposition.

Mr. SHEIL. — In reference to those provisions in the Bill before the House, which relate to the subject of awards and compensation, I wish to observe, that although there may be no suspicion of bias in the commissioners, who without the intervention of juries are to make the awards, still, as it is possible they may be wrong in one case out of a hundred, I think there ought to be an appeal allowed from their decision.

The question was then agreed to; Bill read a second time, and committed for Wednesday next.

PUBLIC WORKS (IRELAND) BILL.

The CHANCELLOR of the EXCHEQUER. — I have now to move, Sir, that the House resolve itself into committee on the Public Works (Ireland) Bill. My object in making the motion is this; — a sum of money has been granted by Parliament for the purpose of carrying on public works in Ireland, but the application of that money is limited to the Act 1 and 2 Will. IV.; whereas the object of this Bill is, to make this money applicable to the purposes of the two Acts, the 1 and 2 Will. IV. and 1st of Victoria.

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Question put, and agreed to; House resolved itself into a committee of the whole House.

The CHANCELLOR of the EXCHEQUER. — The vote I have to move is, 'That the sum of 50,000*l.* appropriated by an Act of the last Session of Parliament to the promotion and extension of public works in Ireland, out of the sum of 500,000*l.* in Exchequer bills thereby authorised to be issued, shall be applied to the purposes of grants or loans, under the provisions of an Act passed in the first and second years of his late Majesty, and of an Act passed in the first year of her present Majesty."

Upon the question being put from the chair, —

Mr. HUME said: — How much of the 50,000*l.* remains to be appropriated?

The CHANCELLOR of the EXCHEQUER. — The original sum voted was applicable to the purposes of both the statutes I have alluded to, but this sum of 50,000*l.* was limited to the purposes of the first of those statutes. The object now is to appropriate it to both. I am not at present able to state whether any portion has been appropriated. Speaking from recollection, I should say none; but in a future stage of the Bill I shall be prepared to answer the question.

Mr. LUCAS. — I did not expect this question would have been brought forward to-night, and therefore cannot be blamed if I am very much astray as to the purport of the Returns on this subject which have been furnished to the House. I have, however, a very strong recollection that these moneys have been lent by the Government in every possible variety as to the mode of loan and as to the rate of interest. There have, in some cases, been grants, — in others, loans, in proportion to the amount of tithe commutation; — and, without being prepared to state what ought to be done in such matters, I think I have a right to suggest that there ought to be some more fixed principle in these transactions.

The CHANCELLOR of the EXCHEQUER. — It is impossible, *à priori*, to do more than define particular limits within which a certain discretion shall be exercised; but, in the papers on the table of the House, the Honourable Gentleman will find the facts of every single case stated. I quite admit that it is a proper subject for suspicion, when there is a discretionary power in the Treasury to lower the rate of interest in one case, and raise it in another, without control; but, in this case, the Honourable Gentleman can call for the production of the whole of the accounts, which may be examined and investigated to the fullest extent. The Honourable Gentleman has, undoubtedly, done perfectly right in calling attention to this subject; but I may, also, be permitted to say, that there is no single act, no single department, of the Government, which will bear a closer or fuller investigation than that of the Board of Works in Ireland; and I assure the Honourable Gentleman and the House, that I am quite ready to give all and every information on this subject.

CAPTAIN BOLDERO. — I see there are three Money Bills on the Orders of the Day for Ireland, exclusive of the project for advancing money for railways, the Report on which has been withdrawn. I wish to ask the Right Honourable the Chancellor of the Exchequer how much money he intends to advance for Ireland this year in the shape of loans and grants? and how much he intends to give for England?

The CHANCELLOR of the EXCHEQUER. — I am glad the Honourable and Gallant Member has asked the question. The Honourable and Gallant Gentleman has asked the question with the view of insinuating that extravagant aid is given to Ireland by means of the three Bills now in progress. The first Bill, — the Loan Bill, — though it has an alarming sound, and is calculated to produce on the minds of English Members an apprehension of gross inequality of aid as regards Ireland, is, in fact, to enable a charitable society to lend sums not exceeding 5*l.* to needy persons, and take nothing from the public purse. The second Bill is to obtain the authority of an Act of Parliament for the appropriation of a sum which has already been granted. And the third Bill — the Shannon Navigation Bill — appertains to a subject which has been thrice under the consideration of the House; — which was entered upon during the Administration of the Earl of Liverpool, — and which has been before Parliament ever since.

CAPTAIN BOLDERO. — I never heard a question so neatly avoided in my life. The question put was this, — What was the sum which was advanced to Ireland by loans and grants? and what the sum advanced to England?

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The CHANCELLOR of the EXCHEQUER. — I have told the Honourable and Gallant Member that the first Bill is a charitable Bill.

CAPTAIN BOLDERO. — The amount ?

The CHANCELLOR of the EXCHEQUER. — The amount is nothing at all. The second is merely to provide for the allocation of money which has been already voted by Parliament; therefore, no money is, now, asked for by that. And with regard to the Shannon navigation, I have told the Honourable and Gallant Member that the total sum to be expended is that which is estimated for; half of which is to be repaid by the Irish counties, by a county rate — to the levying of which they are pledged. The other half is that sum which was granted for the purpose, under the provisions of an Act which passed three years ago, with the assent of every Member of the House; and that sum, stated in the estimate, and so provided for, is the *maximum* of the expenditure to be incurred, and to be granted for the improvement of that most important navigation. The whole grant — which will extend over five or six years — will not be more than 150,000*l*.

The resolution was then agreed to; House resumed; Resolution to be reported on Monday next.

SUGAR DUTIES BILL.

On the motion of the CHANCELLOR of the EXCHEQUER — the Order of the Day for the third reading, read.

Mr. EWART. — The Bill was postponed on a former occasion, when it was on the Orders, on the ground of the absence of several Honourable Gentlemen who were anxious to take part in the discussion upon it. It was not expected to be brought on to-night; and although I am desirous of stating my views, I have come down quite unprepared for the discussion. I believe this to be also the case with other Honourable Members. I trust, then, under these circumstances, the Right Honourable Gentleman will not object to postpone the Bill to another day.

The CHANCELLOR of the EXCHEQUER. — I postponed this Bill the other evening, because the Honourable Gentleman and the Honourable Member for the Tower Hamlets were not in their places. I should have brought it on then, had they been present; and as they are now present, I think I am entitled to proceed with it.

Mr. EWART. — I did not know that it was to be brought on, two hours ago.

On the question being put, "That the Bill be read a third time,"—

Mr. EWART said: — I cannot allow the Bill to be read a third time without discussion.

The CHANCELLOR of the EXCHEQUER. — I do not object to my Honourable Friend going into the discussion on it; but I do not think it reasonable to ask me again to put it off.

Mr. EWART. — It is a subject full of statistics, and I am not prepared to go into the question at this moment.

Several HONOURABLE MEMBERS. — Go on!

Mr. EWART. — The object of the motion of which I have given notice, and which I am sorry at this time to bring before the House, is, in the first place, to show to the House the high price at which sugar will, probably, arrive, in this country; and, in the second place, to call their attention to the great advantages which might result to this country if Parliament would so far modify the laws which protect colonial sugar, as to admit sugar which is the produce of free labour, on terms distinguished from those applying to sugar which is the produce of slave labour. The House may probably be aware that petitions have been presented to this House from the large commercial communities of Liverpool, Glasgow, and other places, in favour of the reduction I propose. Our exports to the Brazils are of very large amount, and our imports thence are very limited. The objection of the friends of humanity to the admission of the sugar of the Brazils is, that it is the produce of slave labour. I confess I am, so far, of their opinion. I wish to reduce the duties on sugar, cocoa, coffee, and other articles of tropical production, coming from those countries where they are produced by free labour, in contradistinction to the duties on slave labour products. I will, for a moment, call the attention of the House to the enormous price which the people of this country are obliged to pay for sugar, in the shape of sugar duties and protection of colonial sugar. I dare to say that many Honour-

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able Gentlemen present are aware that the difference of price between colonial sugar and foreign sugar is full 18*s.* per cwt. By the last Returns, the average price of British plantation sugar was 41*s.* 2½*d.*, exclusive of the duty of 24*s.*, while good Manilla sugar was selling at 23*s.* 6*d.* per cwt.,—a difference of no less than 76 per cent. I think that the people of this country ought not to be called upon to pay the large sums which they do to the protective tax on sugar, considering the large amount of 20,000,000*l.*, which they paid—and I think, properly paid—four years ago, in compensation to the West India planters; although, I believe, many persons look back with regret to that grant. It has struck me as not being a disadvantageous mode of statement to institute a comparison between the consumption of sugar in these kingdoms, and the consumption of those articles with which sugar is generally used, such as tea, coffee, and cocoa; and the result of my inquiries is to show that, while the consumption of those articles has considerably increased, that of sugar, instead of proportionably increasing, has absolutely retrograded. The consumption of cocoa has increased very considerably. Tea appears to be much more stationary. From authentic documents, to which I have had access, it appears that, in 1801, the consumption of tea was 1 lb. 4 oz. for each individual in the country. In the present year, it does not amount to more than 1 lb. 5 oz. for each individual. In 1801, there was not more than 1 oz., upon the average, of coffee consumed by each individual. In 1811, the average was 8 oz.; in 1821, about the same; while, in 1831 it rose to about 1 lb. 5 oz.; and in 1838, it was 1 lb. 6 oz. I will now turn to sugar, which presents a much less favourable appearance. Each individual consumed, in 1801, about 30 lb.; in 1811, about the same; and in consequence of the increase of the duty, the average amount consumed by each individual has now decreased to 19 lb. These results appear still more remarkable in the case of Ireland. The saying of Mr. Huskisson, in 1829, is still strictly true,—that above one third of the inhabitants of this country cannot have sugar with their coffee. The sugar refiners have long been aware of the very inadequate demand for their goods. It is true that we have derived some advantage from the introduction of East India sugar; its consumption is, however, but limited in its extent. The Drawback Bill of last year was a good Bill, as far as it went; and the equalisation of the duties payable on East and West India sugar, was also beneficial in its operation. I desire, however, to see the same advantage extended through all those portions of the East Indies which, though not nominally British possessions, are such in reality. I am anxious, also, that the sugar trade should be open to every country where sugar is the produce of free labour. I am anxious to see the gates of commerce thrown wide open, and invidious distinctions put an end to. There can be no doubt that an ample supply of free labour sugar might be had. Thirty years ago, the cultivation of sugar was unknown in Siam. In 1821, the produce was only one tenth of what it is now. Siam is capable of producing sugar to the extent of 15,000 tons annually,—and all the produce of free labour. The next source of supply would be Manilla, the exports from which, at this time, are no less than 13,500 tons. Then, the export of sugar from Java has, of late years, very considerably increased; and I am not making the calculation too low, when I state, that that island would be capable of supplying sugar to the extent of 20,000 tons per annum,—all the produce of free Javenese or Chinese labour. China could export 6000 tons, and Cochin China 1000 tons. Thus a total amount of free labour sugar might be procured, far more than equal to the consumption of this country; and by taking your sugar from these sources, you would be giving encouragement to the great principle of freedom, instead of having recourse to the produce of slave labour for our supplies. But I moreover look forward to the day when sugar will also be imported from the coast of Africa, and when free labour may be universally substituted for the odious bonds of slavery. I believe that that infamous traffic is not to be put down by armed vessels, but by commerce. I know that exportations of coffee have long taken place from Sierra Leone; and, by encouraging the cultivation of coffee and sugar in that country, we should open to ourselves a new source of supply, besides conferring a great benefit on that country. I hold in my hand a statement which I have received from a gentleman who is acquainted with that part of Africa, wherein he says,—

> That the British Government might easily put down the slave trade on this coast, by applying that moral influence which it possesses, to induce the people to turn their attention to agriculture and commerce; and that this is the only method that can succeed.

If, then, it be possible to induce the inhabitants of Africa to apply themselves to the cultivation of the soil by means of

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free labour, we shall do much towards civilising that country; while, at the same time, we should hold out hopes to the friends of humanity in this country, which, hitherto, they have not been able to indulge in. I would, first, wish the House to reflect on the great advantages that must arise, in a moral point of view, from encouraging the trade in sugar and other commodities, the produce of free labour; and then, as a matter of interest, I would ask them to consider how important it is that we should endeavour to provide, by some means, against the great inconveniences that must result to this country from the present very inadequate and continually declining supply of sugar that we derive from our West India colonies. I believe that, if we were to say we would be willing to take sugar from the French colonies, if produced by free labour, the consequence of such a declaration would be — the immediate emancipation of the slaves in those colonies, and that an extensive cultivation of free labour sugar for the British market would directly take place. And I have also a strong belief that such a course of policy would have some effect on the United States, in inducing that country to take steps to abolish slave labour; and that she would no longer allow the freedom she enjoys to be alloyed by the existence of slavery in her own bosom: at all events, I should like to set her the lesson. I thank the House for the attention they have paid to a most uninteresting subject,—rendered still more so by the incompetency of the person who has attempted to bring it under their consideration. I now beg to move, as an amendment, to leave out from the word "That" to the end of the question, in order to add the words, "it is expedient, on the earliest opportunity, that all sugars, the produce of free labour, be admitted at the same rate of duty as the sugar of our West Indian colonies," instead thereof.

Mr. PEASE.—I second the motion.

Upon the question being put, "That the words proposed to be left out stand part of the question,"—

The CHANCELLOR of the EXCHEQUER said:— My Honourable Friend the Member for Wigan has, I am aware, taken this opportunity of introducing the subject of his motion in the discharge of a public duty, rather than for the purpose of interrupting an annual Bill, which, for the public service, must needs be passed; and though I shall answer my Honourable Friend but shortly, I shall do so — not from any intention of offering the smallest disrespect to him. The suggestions which my Honourable Friend has offered are by no means to be considered so trivial as to be undeserving of much attention. The subject is no doubt important, and involves many more considerations besides those to which my Honourable Friend has referred. If we look at the mere question of supply to our market, the principle undoubtedly is, — let us get as much of every article as we can, and at the cheapest possible rate; but, in applying this principle with reference to the general interests of England, we immediately open the whole question of our colonial policy, — and that is a question which must not be discussed in a mere incidental manner, with respect only to the supply of sugar, without taking into consideration, as well the whole obligations which we are under to our colonies, as the obligations which those colonies are under with respect to us. For one, I am not prepared to admit that the preservation of a great maritime power like this, with extensive colonial possessions, is a matter of so much indifference, that we should act prudently to select any one branch of our colonial commerce, and discuss it, as my Honourable Friend has done, in reference only to the question of supply and demand. It is satisfactory to me to learn that the steps which were taken by Government, last year, for the extension of trade, and the facilitating supply, have met with the approbation of the commercial public. And although those measures — the alteration of the drawback, and the equalisation of the duties on sugar, the produce of the East Indies, with those on sugar which we receive from the West — may not be important as to their immediate effects, yet I do anticipate that, ultimately, much good will result from them. It is also gratifying to me to be enabled to state, that that body who might be considered as prejudiced by those measures, are perfectly assenting parties to them. And if a time should ever come when the supply of sugar from the West Indian colonies shall be found to be insufficient to meet the demand, it would be advantageous as well to the interests of those colonies as to this country, to consider by what means a further supply might be obtained. My Honourable Friend has said that the people of this country look back with regret on the grant of 20,000,000*l.* sterling to the West Indian proprietors. I do not think so. But I believe the people of this country

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ould be very ready to look back with pentance on that step, if they thought at the planters had failed in the duties rising out of their part of the contract. t present, however, I do not believe that ne people of England repent of having arned that proud distinction, which sepaates them, as regards humanity, from all ne nations of the earth, — even at a cost, ne amount of which, in olden times, ould have more than covered the whole ational debt, and, in modern times, might ave defrayed the charge of an unjust and unfortunate war. My Honourable Friend ays that, by taking the course he recommends, foreign countries would, he hinks, be induced to follow our example n abolishing slavery in their colonies. I hould be glad to hear that such a feeling existed on their parts; but I believe my Noble Friend the Secretary for Foreign Affairs would be most agreeably surprised, to hear that any of those foreign states which have slave colonies had really decided upon following our example in emancipating their slaves. But, whatever may be the feeling in those countries on this matter, I believe that the course which has been suggested by my Honourable Friend would have the effect of retarding the accomplishment of his own wishes in this respect. The question which those foreign powers will naturally consider is, whether or not it would be to their interest to abolish slavery in their colonies? We must not bribe them to do so, but leave them to act upon their own free will. With regard to the United States, the great slave question, there, is mixed up with various considerations of much more important local interest than the question of sugar, or any other article of produce. I hope we may yet see the day when the hopes of my Honourable Friend shall be carried out; but I do not wish to see the day when those who are the advocates of humanity would extend their principle so far as to interfere in the internal concerns of other free and independent states, whether they should be those of America, or of any other country.

Mr. CLAY. — I have no intention of prolonging this debate, or of entering into a discussion upon the general question, at this time; but the fact that the sugar refiners of this country — the greater part of whom are my constituents — are deeply interested in this matter, will, I trust, serve me as a sufficient excuse for troubling the House with a very few observations. If I rightly understood the Right Honourable Gentleman the Chancellor of the Exchequer, he rests the question as to the expediency of acceding to my Honourable Friend's motion, on this point, — whether or not the supply from our colonies is sufficient for our consumption? If so, I say it is now that that contingency, on which the Right Honourable Gentleman rests his acceding to this motion, has arrived. The supply is not, at present, sufficient for the consumption of the country; and there is not the smallest surplus for exportation. The home price of sugar, now, free of duty, is considerably higher than it is on the Continent. The proof of this is to be found in the simplest possible form. Under the system in which the drawback is allowed on the exportation of refined sugar, not only is the duty paid on the importation of the raw article returned to the party who exports, but even a sum beyond that duty. Therefore there is an actual bounty offered on the export of sugar. Thus, if the prices of sugar in England and on the Continent be equal, the sugar refiner of England has a very considerable advantage over his continental rival; and will, consequently, export not only the surplus, but that which is actually wanted for the consumption of this country. He can also afford to give such a price to the importer of sugar, as will induce the importer to sell to him rather than to the consumer. I admit that, to a certain degree, this inconvenience was remedied by the measure of last year; but the Right Honourable the Chancellor of the Exchequer must be aware that the Bill of last year did not take off more than, I believe, one half of the premium which had been previously given on the exportation of sugar. I know this is a question of abstruse calculation, with which I should not, on this occasion, be justified in troubling the House; but I may observe that I have, myself, paid considerable attention to the subject; and I believe I state only that which is the fact, when I say that the existing system gives a bounty on the export of refined sugar of not less than 6*s.* per cwt. At this time, the quantity of sugar imported into this country is not sufficient for the consumption of the people of England, and we are now paying a monopoly price for that article; therefore, I contend that that contingency has arisen, in which the Right Honourable the Chancellor of the Exchequer has said that the whole question must receive the attention of the House and the Government, and when it would be necessary to come to some determination upon it. I agree, then, that in obtaining the supply for our market, our own colonies ought to have the preference; and that they might, with propriety, object to our introducing

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slave-grown sugar in competition with their free labour produce. But I cannot help remarking, on the subject of the produce of slave countries, that it is a most extraordinary thing that, without one word of remonstrance from the opponents of slave-grown produce, we take upwards of 4,000,000 lb. of slave-grown cotton from America every year, as well as an enormous amount of slave-grown tobacco; while the loudest outcry is raised against the introduction of a single hogshead of sugar that has been produced by slave labour. I do not hold that our colonies are entitled to any more protection than this, — that if there be any colony or other country which produces sugar, or any other article, by means of free labour, and we can introduce such produce into our own country with advantage to our consumer and our commerce, we are bound to do so, and to give the country that benefit. For the reasons I have stated,— first, that the supply of sugar has already fallen short of our demand, and, secondly, that the colonies have no right to enjoy a monopoly of our market as against any country producing sugar by free labour,— I shall, if he think proper to divide upon it, support the motion of my Honourable Friend the Member for Wigan.

Mr. C. P. THOMSON. — Considering that this subject is one of very great importance, and that it deserves the most serious attention, I will take the opportunity of saying a very few words upon it. Before, however, I go into the general question, I must observe that my Honourable Friend who spoke last is misinformed, in stating that there is at present a bounty on refined sugar, equivalent to 6*s*. per cwt. The Return on which I proceeded when I introduced my Bill on the subject last year, was taken in such a manner as to insure the most exact result; and care had been taken to prevent anything being given in the shape of bounty. This calculation was also made before there was anything like a short supply of sugar in the market; and we moreover took the prices of sugar in foreign markets, as well as the price of East India sugar; so that the utmost care was taken to prevent a drawback being given in the shape of a bounty. There is one advantage, however, which the West Indians enjoy from having their sugar refined in this country, which can hardly be designated a bounty, — namely, they obtain a higher price for the treacle which is obtained from the sugar, in undergoing the process of refining, than they could get in a foreign country. This is the advantage that they get from having their sugar refined here rather than elsewhere; but there is no bounty paid.

Considerable delusion prevails in this country on the subject of slave-grown produce, as contradistinguished from free-grown produce. I trust that the country will not adopt the notion, that we can separate, in our commerce with foreign nations, free-grown produce from slave produce. I protest against the comparison which has been made by my Honourable Friend respecting the slave-grown cotton from the United States. It is utterly delusive to talk of the consumption of that article in this country, as though we could not get sufficient free-grown cotton from other places. My Honourable Friend says, "How strange it is, that you listen to the outcry against taking slave-grown sugar, while you take slave-grown cotton to the amount of millions annually; and slave-grown tobacco, from which you get 3,000,000*l*. sterling a-year in the shape of duties." For my own part, I most cordially wish that slavery everywhere was at an end. But what is the system of policy which this country has been going upon, in her commercial treaties with almost all foreign countries, for a great number of years past? We have entered into treaties, putting these countries on the footing of the most favoured nations, on certain equivalent advantages being given to our commerce. Supposing we adopted the proposition of the Honourable Member for Wigan,—what would the United States do? They would come forward with the treaty in their hands, and would insist that the produce of that country must be put upon exactly the same footing as the sugar and coffee produced in Siam, Java, or Hayti; or they would say that you did not put them on the footing of the most favoured nations, and therefore you were violating your engagements with them. The Brazils, also, would hold up your treaty in your face, and would say, "Our produce is our produce; and you have no right to inquire whether it is the result of the labour of one man or of another man; but take it you must, or be guilty of a breach of faith according to your treaty." This country has entered into several of these engagements with foreign nations, and Acts of Parliament have been passed concerning them, and placing the produce of those nations upon the footing I have described; and they would one and all say, that by taking such a step as that involved in the proposition of my Honourable Friend, you not only broke faith with them, but you also interfered

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with the domestic relations of their country.

With reference to the importance of the question, as a general question, I do not for a moment deny it. I admit that it is a matter of very great importance, and is one which will be forced upon the attention of Parliament, and of the country, within a very short period. In the first place, this is a matter which will necessarily force itself upon the attention of the Government, as connected with the treaty with the Brazils. The present treaty is of a temporary character, only, and will expire in 1842; and if we enter into fresh relations with that important state, this subject must necessarily be considered. The exports to that country are upwards of 4,000,000*l.* a-year of British manufactures. This is the most important trade that we carry on with any part of the world, with the exception of the United States of America. The produce of the Brazils is almost entirely confined to sugar and coffee; and when we arrive at the period at which the treaty will be about to expire, this subject must force itself upon the attention of the House. The other branch of the subject is also of deep importance, and deserving of much consideration,—I mean, the short supply of colonial sugar. Up to last year, the produce of our West Indian colonies was considerably more than sufficient for the supply of this country. Practically, therefore, the West Indian colonists enjoyed no monopoly, though apparently and nominally they did so. Since that period there has been a considerable falling off in the produce of our colonies. Again: the growing population of this country requires a larger supply of colonial produce, and there is this deficient supply of the West Indies to meet this demand; therefore, within a short time, it may be necessary to pay an extraordinary price, when that which was formerly only an apparent monopoly will be felt as a real monopoly. But at the present moment, this is actually the case with respect to coffee. The duty on coffee was reduced, nine years ago, by Mr. Huskisson; and at a more recent period, by myself. Coffee is most extensively consumed in this country; and, notwithstanding the low rate of duty, a much higher price is paid for it here than on the Continent. The produce consumed here is almost entirely colonial; and therefore, with the high price, it is obvious that a real monopoly exists. The Government are deeply impressed with this important subject; and it is obvious that great attention must be paid to this point, as well as to the other subjects to which I have adverted. It is important that we should look at this question—that we should regard the different interests that will be involved by blinking the consideration of it even for a time. I am, satisfied, however, that it must be forced on the attention of the Government and the Legislature, if not by the wants of the people of this country, at any rate by the treaty with the Brazils; and I trust that it will be met fairly, and when it shall have become ripe for consideration, that the difficulty will be dealt with in the way that a matter of such importance deserves.

Mr. HUME. — I have heard, with great satisfaction, the statement of the Right Honourable Gentleman. He has admitted the necessity of some alteration in our commercial policy, and has said that it is inevitable. I trust, then, that the consideration of this most important matter will not be unnecessarily postponed. At the present time there are only two thirds of the average supply of colonial produce from the West Indies, and the people of England are called upon to pay the same amount as if they had a full supply. Therefore, to talk of putting off the consideration of the question till 1842 or 1844, when certain treaties will expire, is most absurd. I say, that the people of England, after the very liberal manner in which they have contributed to the affluence of the West Indies, are entitled to all the advantages which might be obtained by an improved system of commercial policy. And of this I am sure,—that no representative of this country would have voted so large a sum as 20,000,000*l.* for compensation to the slave owners, if it had been supposed that the monopoly would still continue. I admit that I cannot draw that distinction which has been proposed to be made by my Honourable Friend the Member for Wigan, between slave produce and free labour produce. I think it would be inexpedient to make such a distinction, in the present state of our commercial relations. It is obvious, however, that the whole subject must be taken up, next year, by her Majesty's Government;—it cannot be longer delayed. I would suggest, then, to my Honourable Friend (Mr. Ewart), that, as it is clear he could gain nothing by going to a division, now, the better course would be to withdraw his motion.

Mr. HODGSON HINDE. — As the representative of a large maritime con-

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stituency, I am desirous of making one observation only. If our colonial possessions in the West Indies would yield a supply of sugar sufficient for the demands of this country, I would be unwilling to admit that article from other countries; but my opinion is, that they will not. The remark, however, which I have to make, is, that I am sure that neither my constituents, nor the country at large, would be satisfied with the distinction that is proposed to be drawn between sugar and cotton, the produce of slave labour and of free labour; and I am quite sure, also, that such a distinction never could be practically established.

Mr. THORNELY. — I feel considerable satisfaction at the statements which have been made by the Right Honourable Gentleman the President of the Board of Trade, for I have long felt that this was a subject which most especially called for the attention of Parliament; and I believe it will be found absolutely necessary to bring it under consideration in the course of the ensuing Session. The proposition of my Honourable Friend the Member for Wigan is one that I think could not be carried into effect, because, if you were to reduce the duty on foreign articles, the produce of free labour only, you would find that the Brazilian merchant would, under the treaty with Brazil, at once bring his produce, also, into the market at such reduced duty, and you could not possibly prevent it. In my opinion, we ought to reduce the duty upon all those articles which may be called necessaries; and thus we should confer a real benefit on the people of this country. It may be a matter of very little importance to Members of this House, what price they pay for their sugar, coffee, and other similar articles; but we should consider the comforts of the labouring classes; and amongst those whom I represent in a mining district, are many who, in winter, do not see the light of the sun except on Sundays, — and it is of no slight consequence to them that they should be enabled to obtain those little comforts when they have an opportunity of enjoying them, and that they should not be placed beyond their reach by heavy duties. It is remarkable how the price of foreign productions is increased on their way from the producer to the consumer, and how that increase of price is mystified. If we go to Java or to Hayti, we can buy good coffee at from 9*d.* to 4*d.* per pound; while here, at Charing Cross, we are charged 1*s.* 10*d.* for the same article. To be sure, there is 6*d.* per pound duty on coffee grown in our own possessions, while coffee brought from foreign possessions is not admitted at all, — there is an entire prohibition put on it by the Government. This is a question in which I feel very great interest; for I believe that there is no measure which would be attended with more benefit to the country than a reduction of these duties generally, in order that the price of those articles of foreign produce which are necessary to the comfort, and, I may add, to the health of the poorer classes, may be so reduced as to bring them within their reach. Indeed, I feel that this is a subject of so much importance, that it ought to supersede all others. I cannot perceive that the distinction can be carried out, which has been attempted to be drawn between free labour and slave labour produce; therefore I cannot acquiesce in the motion of my Honourable Friend the Member for Wigan (Mr. Ewart). Slave labour cannot, in my opinion, continue much longer; — the moral feeling of the time is against it. The Right Honourable Gentleman the Chancellor of the Exchequer says, "I cannot look forward to the abolition of slavery in the United States." But I must tell the Right Honourable Gentleman that I do look forward to it, and am very strongly impressed with the opinion that my hopes in this respect will be accomplished; for I know that there is a very strong and increasing party rising up in that country in favour of abolition, and who are now attempting and doing much in carrying out their views; and I may allude to a distinguished writer of that country, whom I am proud to call my friend, — I allude to Dr. Channing, — who is interesting himself warmly in favour of that great object.

Mr. MARK PHILIPS. — Although I may have expressed a different opinion at one time, I am not ashamed to state that, on further consideration, I am convinced that the distinction which is proposed to be drawn between slave labour produce and free labour produce cannot be taken. I feel clearly the accuracy of the views of the Right Honourable the President of the Board of Trade on this subject; and if I refer to a point on which he has dilated, it is only to observe that, with respect to the importance of the trade of this country with the Brazils, there is among my constituents, but one opinion. I did hope that I should, ere this, have been intrusted with a petition to present to the House from the Chamber of Commerce at Manchester, which has been agreed to at a recent meeting, and is signed by the president and other in-

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fluential members of that board, — and among them, by some who have, at all times, been the strenuous advocates for the abolition of slavery in our own colonies, — praying that the attention of the House and the Government may be directed to the importance of our trade with the Brasils. If, on the expiration of the Brazilian treaty, by which we are now placed on the footing of the most favoured nations in our commercial dealings with that country, the Government of the Brazils were to say, "You refuse to take our produce in return for your manufactures; therefore we will no longer grant you those commercial advantages which you have hitherto enjoyed as regards this country," — we should lose, perhaps, the most valuable branch of our trade. This is a subject which ought to be taken into consideration with a due regard to the magnitude and the importance of the interests involved, both with respect to our trade with foreign countries, and the consumers of foreign produce among the population of this country; and I trust that another Session will not be allowed to pass over without the attention of the House being specially directed to it.

Mr. EWART. — I will, with the leave of the House, withdraw my motion.

Amendment, by leave, withdrawn; original question put, and agreed to; Bill read a third time, and passed.

CUSTODY OF INFANTS BILL.

Read a third time; amendment made; Bill passed.

ADMIRALTY COURT BILL.

Read a second time, and committed for Monday next.

JOINT TENANTS VOTING (IRELAND) BILL.

Report further considered; amendments agreed to; Bill to be read a third time on Tuesday next.

TIN DUTIES (CORNWALL).

Resolution reported: —

That there shall be paid a duty of one farthing in the pound sterling on the value of all tin and tin ore which shall be brought to sale in, or withdrawn from, any mine or stream-work in the county of Cornwall.

Resolution agreed to: Instruction to the Committee on Stannaries Courts (Cornwall) Bill, that they have power to make provision accordingly.

BANKRUPTS (IRELAND) BILL.

Reported; to be read a third time on Monday next.

BOROUGH WATCH RATES BILL.

Read a third time; amendments made; Bill passed.

LOAN FUND (IRELAND) BILL.

Read a second time, and committed for Thursday next.

BOROUGH COURTS (No. 2.) BILL.

Considered in committee; to be reported on Monday next.

EXCHEQUER OF PLEAS BILL.

Read a third time, and passed.

BANKRUPT LIABILITY BILL.

Read a first time; to be read a second time on Monday next, and to be printed.

PAROCHIAL CURE OF SOULS BILL.

Read a first time; to be read a second time on Wednesday next, and to be printed.

CAMBER (PORTSMOUTH) QUAYS, &c. BILL.

Lords' amendments agreed to.

GLASS DUTIES.

Excise Acts read; committee thereupon on Monday next.

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SALE OF BEER.

Acts (1 Will. IV. c. 64., 4 and 5 Will. IV. c. 85.) read; committee to consider of the licence duty on the sale of beer on Monday next.

SHANNON NAVIGATION

Act (5 and 6 Will. IV. c. 67. and Reports of commissioners) read; committee to consider of authorising the issue of Exchequer bills, for the improvement of the navigation of the River Shannon (Queen's recommendation having been signified), on Monday next.

LAND TAX DOUBLE ASSESSMENTS BILL.

Second reading put off for three months.

REGISTRATION (COURT OF APPEAL) BILL. — METROPOLITAN POLICE COURTS BILL. — WAYS AND MEANS — SUPPLY. — SUMMARY JURISDICTION BILL. — REGISTERS OF BIRTHS, &c. BILL.

Committees deferred till Monday next.

POOR LAW COMMISSION CONTINUANCE BILL. — COLLECTION OF RATES BILL.

Second readings severally deferred till Monday next.

INDEMNITY.

On the motion of Mr. MORE O'FERRALL, "Bill to indemnify such Persons in the United Kingdom as have omitted to qualify themselves for Offices and Employments, and for extending the Time limited for those Purposes respectively, and for the Relief of Clerks to Attorneys and Solicitors in certain Cases," ordered to be brought in by Mr. BARING and Mr. MORE O'FERRALL.

Bill subsequently presented; read a first time; to be read a second time on Monday next.

LINEN MANUFACTURES &c. (IRELAND) BILL.

On the motion of Mr. EMERSON TENNENT, Acts read, and "Bill to repeal so much of the Laws relating to the Linen, Hempen, Union, and Cotton Manufactures in Ireland, as relate to Manufacturers and Weavers, and to make other Provisions in lieu thereof," ordered to be brought in by Mr. EMERSON TENNENT and Mr. DUNBAR.

Bill subsequently presented; read a first time; to be read a second time this day, and to be printed.

ARREST FOR DEBT (IRELAND).

On the motion of Mr. PIGOT, "Bill for abolishing Arrest on Mesne Process in Civil Actions, except in certain Cases; for extending the Remedies of Creditors against the Property of Debtors; and for amending the Laws for the Relief of Insolvent Debtors in Ireland," ordered to be brought in by Mr. SOLICITOR GENERAL for Ireland and LORD VISCOUNT MORPETH.

INLAND WAREHOUSING.

On the motion of Mr. POULETT THOMSON, "Bill for the Warehousing of Goods at Inland Towns," ordered to be brought in by Mr. POULETT THOMSON and Mr. LABOUCHERE.

PAPERS, &c.

Glass. — Return presented, — of duties and drawbacks on glass, distinguishing the different denominations, in 1837 and 1838 (ordered 10th of June). — To lie on the table.

Malt. — Return presented, — of the number of bushels of malt charged with duty, in the years ending 5th of April, 1838 and 1839 (ordered 13th of June). — To lie on the table.

Commissariat Department. — Return presented, — of the names of the chief clerk and principal clerk of the commissariat department (ordered 20th of June). — To lie on the table.

Cotton. — Return presented, — of the quantity of cotton imported from the

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United States of America, from 5th of January to 5th of June, 1838 and 1839 (ordered 21st of June). — To lie on the table.

Court of Exchequer (Scotland). — Copy presented, — of Treasury minute regulating the office of presenter of signatures in the Court of Exchequer in Scotland (by Act). — To lie on the table.

Yeomanry; Publicans and Beer-sellers; Bankruptcies. — Returns (severally presented 27th of June) to be printed.

Adjourned, at one o'clock, till Monday next.

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HOUSE OF LORDS, Lunæ, 1° die Julii, 1839.

APPEALS.

Doe *v.* Vardill (writ of error).—In part heard (the judges being present), anda djourned till to-morrow; and the judges to attend.

Doe *v.* Perratt (writ of error).—Hearing adjourned till to-morrow; and the judges to attend.

EARL OF STAMFORD AND WARRINGTON'S ESTATE BILL.

Read a third time, and passed, and sent to the Commmons.

BLIGH'S ESTATE BILL.

Read a second time; and the Standing Order No. 94. to be considered to-morrow, in order to be dispensed with; and the Lords summoned.

LORD TEMPLEMORE'S (DUKE OF RICHMOND) ESTATE BILL.

Commons' amendments considered (according to order), and agreed to.

MARQUESS OF CHOLMONDELEY'S ESTATE.

Standing Order No. 94. considered (according to order), and dispensed with; and Bill committed for Thursday next.

MESSAGE FROM THE COMMONS,

For—Copy of the evidence taken before this House in the case of Pemberton's Divorce Bill. — Messengers informed, That this House will send an answer by messengers of their own; and evidence (on motion) ordered to be communicated, as desired.

ALLISON'S DIVORCE BILL.

Returned from the Commons, agreed to.

THE QUEEN'S ANSWERS TO ADDRESSES OF THE 26th OF MARCH LAST.

Reported.

THE QUEEN'S ANSWERS TO ADDRESSES OF THURSDAY AND FRIDAY LAST.

Reported.

COMMISSION.

The following Bills received the Royal assent: — Bishops' Residences Bill; Windsor Castle Stables Bill; Waterford Fever Hospital Bill; Fraserburgh Harbour Bill; North Midland Railway Bill; Edinburgh, Leith, and Newhaven Railway Bill; Manchester and Leeds Railway Bill; Bristol and Gloucester Railway Bill; Slamannan Railway Bill; Wishaw and Coltness Railway Bill; Ballochney Railway Bill; Croydon and Merstham Railway Company Dissolution Bill; Preston and Wyre Railway, Harbour, and Dock Bill; Tyne Docks Bill; Birmingham Canal Bill; Norwich Tonnage Bill; Bradford (Wilts) Improvement Bill; Aberdeen Markets and Improvements Bill (No. 1.); Edenfield and Little Bolton Road Bill; Saint Leonard's and Sedlescomb Roads Bill; Sawmill Ford Bridge and Road Bill; Glasgow and Renfrew Roads Bill; Southmolton Roads Bill; Bethlem Hospital Estate Bill; Blunt's Estate Bill; Harrow School Estate Bill; Duke of Buckingham and Chandos's Estate Bill; Giles's Estate Bill; Robertson's Estate Bill; Earl of Darnley's (Bishop of Ripon) Estate Bill; Hodson's Estate Bill; Corporation of London (Sale of Ground) Bill; West Croft Inclosure Bill; West Beckham and Alby Inclosure Bill; Almsworthy Inclosure Bill; Hartishead Inclosure Bill; Nottingham Commons Fields Inclosure Bill; Coode's Divorce Bill; Carleton's Divorce Bill; Ivanoff's Naturalisation Bill.

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BANKRUPTS' ESTATES (SCOTLAND) BILL. — ELECTORS' REMOVAL BILL.—BOROUGH WATCH RATES BILL.

Brought from the Commons, read a first time, and to be printed.

SUGAR DUTIES BILL.—PONTEFRACT HONOR COURT BILL.

Brought from the Commons, and read a first time.

EXCHEQUER OF PLEAS BILL.

Returned from the Commons, agreed to.

CAMBER QUAYS (PORTSMOUTH) BILL.

Returned from the Commons, with the amendment agreed to.

ITCHEN BRIDGE AND ROADS BILL.

Read a third time, and passed.

PATENT WHITE LEAD COMPANY BILL.

Read a third time, with the amendments; Bill passed, and sent to the Commons.

DEPTFORD PIER BILL.

Read a second time, and committed: — The committee to be proposed by the Lords' Committee appointed for proposing Committees on Opposed Bills.

DEPTFORD PIER JUNCTION RAILWAY BILL.

Read a second time, and committed for Thursday next.

MOY NAVIGATION BILL.

Reported specially, without amendment.

SIDMOUTH MARKET BILL.

Reported, with amendments.

ANNIESLAND AND BLACK QUARRY ROAD BILL.

Brought from the Commons, and read a first time.

WEST CROFT CANAL BILL.

Reported specially, without amendment.

GEORGE O'MALLEY IRWIN.

LORD LYNDHURST presented a petition from George O'Malley Irwin, of Mountjoy Square, Dublin, barrister at law, complaining of certain alleged hardships, and praying to be heard at the bar of this House thereon. — Read, and ordered to lie on the table.

POSTAGE.

EARL FITZWILLIAM and the EARL of HAREWOOD presented petitions for reduction of the rate of, — of members of the Sheffield Mechanics' Institution: of inhabitants of Chester; Halifax; Pontefract; Bognor; Milngavie; Edinburgh; Eastbourne; and Thorne: and of persons signing. — Read, and ordered to lie on the table.

PRISONS.

The EARL of WINCHILSEA presented a petition against the clause permitting the appointment in prisons of Roman Catholic chaplains and other teachers of religion whose tenets differ from the principles of the established church, — of members of the Shepton Mallet Church of England Lay Society. — Read, and ordered to lie on the table.

EDUCATION (NATIONAL).

LORD BROUGHAM. — I beg to postpone my motion relative to education from Thursday to Friday next.

The ARCHBISHOP of CANTERBURY. — I rise to submit a motion, to which I do not anticipate any objection, as it is for the production of documents, copies of which have been already laid before the other House of Parliament. I will therefore move an Address to her Majesty, praying that she will be graciously pleased to give directions that there be laid before this House —

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Copy of Treasury minutes, dated the 30th of August, 1833, the 7th of March, 1834, and the 5th of July, 1838, relating to the application of sums granted by Parliament for the purpose of public education: And, also,

Copy of Order in Council appointing a Committee of Council to superintend the application of any sums voted by Parliament for the purpose of promoting public education; and copies of any minutes of, and of any Report from, such committee.

I now beg to give notice, that, on Friday next, I shall submit a motion on the subject to which those documents relate.

LORD BROUGHAM. — I wish it to be understood that my motion is entirely different from any which can be founded on the Orders in Council. In fact, it has nothing to do with either of the plans of education now so generally spoken of; and therefore, in order that I may not interfere with the Most Reverend Prelate, I will further postpone my motion from Friday to Monday next, — hoping, on that day, to have the support of the Most Reverend Prelate.

Agreed to.

EDUCATION (NATIONAL).

EARL FITZWILLIAM presented a petition in favour of national education free from all religious distinctions, — of inhabitants of Saint Ives (Hunts). — Read, and ordered to lie on the table.

JAMAICA BILL.

The Order of the Day for the second reading of this Bill, and the Lords to be summoned, having been read, —

The MARQUESS of NORMANBY said: — In the short time during which I have had the honour of holding office of Colonial Secretary, I have, on more than one occasion, felt, and frankly admitted, the disadvantages under which I labour, from the circumstance of my long absence from the business of this House, in the discharge of duties elsewhere. I regret this the more, as I have lost, in consequence, much valuable information, which could be gained only by listening to your Lordships' discussions. But though this remark will apply generally, I have, on the question now before the House, the advantage of much knowledge, derived from a residence of some time in Jamaica; and, from the same source, some considerable acquaintance with the negro character. With the experience thus derived, I can with more confidence press on your Lordships the adoption of the measure now before you. I am the more strengthened in my conviction of the necessity of this course, by accounts which I have this morning received from Jamaica, describing the gratitude with which the announcement of the same measure was received by the popular party in that island. The great mass of the population hailed it as a boon which would give due protection to the negro population; and I can assure your Lordships, that if you were to refuse to pass this Bill, it would create an impression in the minds of the negroes that the protection of Parliament had been withdrawn from them. I repeat to your Lordships, that I much fear that the rejection of this Bill would be so interpreted by the negro population. I feel it the more imperatively my duty to impress this consideration on the House, from the fact that very false views have been promulgated of this question. From my own observation, I can state that no friendly feeling exists between the negro population and the House of Assembly. A friendly feeling can be brought about only by the conduct of the Assembly itself; and I must say that that body has not shown much disposition to produce it since the passing of the Emancipation Act. Many of your Lordships have had the advantage of hearing the agent of the House of Assembly (Mr. Burge), and of the great talent and experience which he has evinced at your bar, on this important question; but I regret that much of your Lordship's time was consumed in hearing matters altogether irrelevant to the case. Great stress was laid on the collisions which have from time to time taken place between Governors of Jamaica and the House of Assembly, in respect of what the Assembly has declared to be an interference with its rights. These, however, are but the conflicts of local authorities, and bear no comparison with the collision between the House of Assembly and the British Parliament. Is the British Parliament to be called upon to submit, and to make reparation to the House of Assembly? Are your Lordships to say, "You are right, and we are wrong; we acknowledge our error, and we hope you will resume your duty?" The learned gentleman was also pleased to state that this measure must have originated in a general desire for change. I sincerely hope that everything in Jamaica will be changed; for if things remain as they are, that island will not be what it is the wish of the British Parliament and

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of the British people it should be. I consider that the change proposed to be made is the safest, the best, and the most praiseworthy of all the changes that have been effected in this age of progressive amelioration. Your Lordships were told of the necessity of "protecting established institutions;" but, let me ask, was not slavery itself an established institution of the island? The learned gentleman proceeded — as, perhaps, it was not very unnatural that he should do — to throw a very considerable portion of the blame on her Majesty's Government, and on the course which they have pursued, both recently, and before I had the honour of filling my present position. But the learned gentleman passed lightly over another culprit, — he evaded the share which another culprit had in this transaction. It is in the presence of that culprit that I now stand. Your Lordships are, above all, answerable for the state of things which has been produced in Jamaica. It is said that, in this instance, your Lordships originated the measure which has produced the resistance (so much to be regretted) on the part of the House of Assembly; and therefore it is to you that the learned gentleman must address himself, when he requires that there be a retractation of the offensive measure with regard to Jamaica, and the promise that the same course shall not be pursued again. Unless he does this, he does not follow out the feelings and wishes of his constituents. Your Lordships cannot evade the responsibility thrown on you, by pleading any habitual custom in which you indulge, of passing, without any examination, measures which originate with her Majesty's Government. That measure passed without much discussion, it is true; but it was a measure which was necessary for the state of things which then existed. The real question at issue is, was the united Parliament right, or not, in passing the Prisons Bill? and if right, do the state of things, and the attitude assumed by the Jamaica House of Assembly, call on Parliament to interfere? I am of opinion that such a measure as the Prisons Bill was necessary during the progress of the transition of the negroes from a state of slavery to a state of freedom: it is an opinion which I formed when I was at Jamaica, and which I communicated to the Government when I returned. Words have been used on this question, which are strangely misapplied. Is it not an absurdity for a body to talk of "popular rights," which neither represents the property nor the population of the island? Is it not an equal absurdity to talk of "the benefits of free government," when the representation is in the hands of those, who not only have no share in the interests which are divided amongst the great mass of the population, but who always have acted on antagonist principles to them? Such is my opinion of the incompatibility of carrying out the mighty change in the state of society in Jamaica—which has taken place, but which, I regret to say, is still to be worked out, without some such measure as the present,—that I do trust that your Lordships will assent to this Bill, which provides that if the House of Assembly do not return to its duty, a council shall have the power of providing for objects of immediate interest, and of establishing that machinery by which the relations of master and servant will be placed on grounds which the servants will be able to look to with confidence, and by which the masters cannot sustain any injury. Making every allowance for the statements of an advocate, who naturally is disposed, when addressing an assembly not very well acquainted with the nature of the measure on which he is speaking, to make the best of his own case, I was really surprised to hear the learned gentleman who appeared before your Lordships state that the House of Assembly had been always ready, from the year 1832, to address itself to the improvement of the prisons. I had some experience myself, in 1833, of what was the discipline in the workhouse and gaol of Kingston; and I can state that there were abuses there of the most horrible description, with regard to confining, without distinction, felons and slaves in custody for the debts of their masters. But from one end of the island to the other, the abuses which then existed were such as I could not observe without horror, and without communicating to many individuals of influence, members of the Assembly, what I thought of them, who all admitted the evil, and promised to administer a remedy. But this has always been the case in the Island of Jamaica: the members of the House of Assembly will individually express opinions which may sound reasonable enough; but when they are met together, they completely disregard them. I hold in my hand an extract from a despatch dated the 16th of September, 1832, which states that the House of Assembly refused to apply themselves to remedy the grievances of the slaves till their own grievances were remedied; and they refused to pass a Bill which was intended to amend the very defective management of their gaols. Such was the

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state of the gaols and workhouses in the Island of Jamaica in 1832 and 1833; and I again pressed on individuals who, I thought, influenced the opinions of the House of Assembly, the necessity of mitigating some of those evils.

On the 12th of April, 1835, the Governor reported the cases of two female apprentices who had been flogged in the Kingston workhouse; and on the 7th July, 1835, that the Gaol Act of 1834 authorises the common council, or five magistrates in session, to pass rules, saying "they have passed rules authorising the supervisors of workhouses to inflict corporal punishment on all persons, not even excluding females; they have also adopted the custom of cutting off the hair of all females who are sent into the houses of correction for confinement or punishment. They have in some instances put untried people to hard labour, and cut off their hair."

On the 29th of August, 1835, Lord Glenelg, in reply, adverted to the indecorum and injustice of scourging or cutting the hair off women for any imputed or real misconduct. The Governor was instructed to apply to the Assembly to amend the Act; and it was stated, that if such practices should be continued under the sanction of any colonial enactment, the Government would feel it their duty to apply to Parliament. On the 17th of November, 1835, the Marquess of Sligo, in obedience to these instructions, sent a message to the Assembly, suggesting important amendments in the Gaol Act, and calling especial attention to the fact that women were flogged on the treadmill. This message was referred to a special committee, but no amended Bill was passed. On the 5th of March, 1836, the Governor reported the result of inquiry into transactions at the St. Andrew's workhouse; and said, "It proves that I have not lightly made the charge of the corporal punishment of females being still, in spite of all my efforts, administered in the different workhouses of this island." I had an opportunity, myself, of observing the disgraceful extent to which corporal punishment was carried. Accompanied by two of my suite, I went, unexpectedly, to examine into the system pursued; and the punishment that I saw inflicted upon women was of such a nature, that the officers who were with me, some days afterwards, declared that they had never witnessed anything to equal it, even under sentence of court-martial. I made application to the directors of the workhouse, upon the subject of the officer who superintended this punishment; but I soon found that it would be impossible to procure his discharge. He was reprimanded, but, for anything I know to the contrary, he is still in the same situation which he then filled. On the 30th of March, 1836, the Governor referred to the conviction of the supervisor of Trelawney, for flogging Jane Reid; and added, "that the punishing women who would not work at the treadmill, by the cat, had become so general, that, in his opinion, an example should be made." On the 9th of April, 1836, the Governor reported the evidence on the inquest of Louise Beveridge, who died at the treadmill at Morant Bay, after having been tied upon the treadmill with four other females, — the verdict being, "Apoplexy, occasioned by — excitement!" On the 11th of June, 1836, Lord Glenelg observed that it appeared, from this evidence, that in the Morant Bay workhouse, "the women who refused to work at the treadmill were fastened to it by ligatures round the arms, for twenty-four successive hours, in such a manner as to endanger the lives of all, and actually to occasion the death of one:" and in reference to the same workhouse, on the 31st of August, 1836, his Lordship observed, that it appeared "that, out of eleven deaths in that workhouse, on which inquests had been held since January, 1835, three were confessedly owing to injuries received on the treadmill, and eight were ascribed to the visitation of God; under which general description it was obvious that many cases may have been included, in which the death of the prisoner was not unconnected with the treatment which she had previously undergone." Repeated acts of cruelty subsequently appeared; and, on the 1st of August, 1836, the Marquess of Sligo, in reference to his instructions from home to endeavour to procure a remedy for the deficiencies in the law for preventing cruelties in workhouses, stated, "I again say, advisedly, the remedy must come from home." On the 22d of February, 1837, the House of Assembly was solicited by message to take the subject into consideration. This message was referred to a special committee, who reported to the effect that the existing laws were sufficient to prevent abuses; and nothing was done. On the 1st of July, 1837, Lord Glenelg said, —

I have already had occasion to advert more than once to the abuses alleged to exist in these places (gaols and workhouses), and I have intimated an opinion that unless some remedy should be applied to them, it might be necessary for the stipendiary magistrates to abstain from committing apprentices to the workhouses.

Occasion arose to reiterate these instructions on the 14th of October, 1837; and, on the 1st of August, Lord Glenelg sent out the Report of the Select Com-

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mittee on the Working of the Apprenticeship System, appointed in May, 1837, in which it was commanded that there should be instituted, without delay, a strict and searching examination into the state of the workhouses in the West India colonies, and especially into the construction and use of treadmills, &c. On the 27th of October, 1837, a despatch from the Secretary of State (dated May 21. 1837) was laid before the Assembly, reviewing at length the provisions of the Gaol Act of 1834, and urging various alterations and amendments. This message was referred, as before, to a special committee, and no further proceedings were taken. On the 13th of February, 1831, Lord Glenelg, in his despatch, said, —

I apprised you that it was my intention to address you in a separate despatch on the subject of the requisite measures for the immediate prevention of abuses of a flagrant character in the houses of correction. It would be a great satisfaction to me to learn that a law of this nature were passed by the colonial Legislature; but should this not be the case, there is no subject which, in my opinion, more imperatively demands the interference of the Imperial Legislature.

On the 21st of February, 1838, the Assembly was again solicited by message to entertain the question of prison discipline, and a further despatch was laid before it, with exactly the same result as before, — reference to a committee, without further proceedings; and, finally, in the month of June, 1838, the Assembly met, but did nothing as regards the question of prison discipline. I allude to these cases only, because your Lordships were told by the agent for Jamaica, that the Assembly, up to 1832, had always shown a disposition to reform abuses. I have now brought the question to the state in which it was at the meeting of the House of Assembly; and to show the temper of that house, I will refer only to the protest in which they advert to an Act which was universally thought to be necessary, — the Act in Aid, — a measure which is not now denied by any party in this country to be a proper and fair interference of the British Parliament to carry out the measure of emancipation. They say, expressly, —

It is unreasonable and unnatural that one nation should assume to pass laws to bind another nation, of whose customs, wants, constitution, and physical advantages and disadvantages, she is and must be profoundly ignorant; and whose distance opposes an insurmountable barrier to the attainment of local information.

And then they go on to assert that, —

When lawgivers consent to sit in judgment on an Assembly in no respect their inferiors, except in extent and magnitude of power, — when they condemn and presume to punish upon charges kept secret from the accused, — they cannot be expected to listen to a defence which would convict them either of imbecility and cowardice if they were urged to the injustice by popular clamour, or of fraud and malice, and a thirst for omnipotent authority, if the injustice were the result of deliberation and design.

Not content with this, they proceed to contend for their own uncontrolled powers. They say, —

We will also acknowledge that they can seize by force on the powers which they do not possess in law or reason. There cannot be two Legislatures in one state. If the British Parliament is to make laws for Jamaica, it must exercise that prerogative without a partner.

Those are the decorous terms in which the House of Assembly addresses the two branches of the Imperial Legislature. So that the Assembly absolutely places itself on a level with your Lordships and the other House of Parliament, and declares that if the Imperial Legislature presumes to interfere on any one point, they will abstain from the due exercise of their duty! Your Lordships' House does not escape: —

The taxation of the colony may perhaps be delegated to the House of Lords, into which was first introduced the infamous Bill for our destruction; and, for the first time for many ages, their Lordships in that Bill were permitted to exercise the privilege of laying on British subjects grievous pecuniary penalties. The power of taxing Jamaica may console their Lordships for its deprivation elsewhere.

Such was the language of the House of Assembly, previous to the last offence said to be offered it by the passing of the Prisons Bill; and this was what the counsel at the bar had to offer as a proof of the wish of the members to conciliate this country. With reference to the particular question to be this night decided, I am anxious to show your Lordships that doing nothing would not be effectual. I have not heard that any one of your Lordships intends to move the repeal of the Prisons Bill; and out of the mouths of the Assembly itself it is clearly demonstrated that no debasement short of the repeal of that Act would induce it to resume its functions. The Assembly states, in its first resolution, that the Act of the British Parliament "is a violation of our inherent rights as British subjects;" and, further, "that the same has not, and ought not, to have the force of law in this island." Thus they not only decide that this Act is a violation of their constitution, but they aver that an Act of Parliament passed by your Lordships and by the other branch of the Legislature is not law, and ought not to have the force of law, in the island. They distinctly declare,

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also, that till her Majesty's gracious pleasure be known, — until they shall be informed "whether they are henceforth to be treated as subjects having the power of making laws, as hitherto, for their own government, or whether they are to be treated as a conquered colony, and governed by parliamentary legislation,—they will not proceed with their duties." And here I may observe, that though both the learned counsel dwelt upon the conciliatory tone that should have pervaded the despatches, yet anything less conciliatory than the language made use of by the House of Assembly I am at a loss to conceive; because, the greater portion of their address is re-assertion, in other words, — perhaps not to the same offensive extent in point of phrase, — of what the House of Assembly before asserted, — that, unless your Lordships are prepared to go to the extent of repealing the Prisons Act, nothing will satisfy them. I think, therefore, that your Lordships are bound to provide not only for those wants of the public service which this abrupt termination of their duties on the part of the House of Assembly has produced, but also to provide the materials for legislation in case of their refusal to legislate upon some of those points, which, unless they be listened to at present, may be remembered only, when the time may be too late to establish those habits of industry on the part of the negro population, which are necessary for the permanent wellbeing of the colony, and the good understanding of the population.

With regard to contracts, it was admitted at the bar of your Lordships' House that the present contract law was not such as the present negro population received with confidence, and that they did not act on it. It was stated that they were advised by certain parties not to sign the contracts; and why were they so advised? Because the present contract law is not considered (and, in this instance, I must say that certain parties are right in judging for those who have not sufficient power to judge for themselves) such as establishes an equal jurisdiction between the two parties. Allusion has been made to the influence of the Baptist missionaries over the negroes; and, on that subject, I must say that I was in the colonies at a very critical period with reference to the relations between the negroes and missionaries, — namely, the year after the rebellion, in which the most unjustifiable share of the mischief was attributed to the efforts of those missionaries, when not a single chapel belonging to them remained standing in the island. But their influence over the negroes is founded upon this, — that they are the persons who prepared them for that great boon of emancipation which afterwards arrived for them; and I may add, that every thing I have heard, since, shows that their influence has been exercised beneficially. But I hope that when there is established some proper tribunal for regulating the contracts between masters and servants, they will feel it is no part of their duty to interfere as to the value of remuneration for negro labour, and that they will exercise their influence beneficially in some other way. At the same time, when I hear so much against the Baptist missionaries, I cannot but recollect, that but a short time since no such distinction was drawn; for one of the most difficult acts of my Government was to arrange a dispute which arose in consequence of a Wesleyan missionary being assaulted by a member of the House of Assembly; so that it cannot be said that "all missionaries, except Baptists," are received with favour by the representatives. I trust that such cases do not occur, now, but that better feelings have grown up. In the course of the arguments that were stated, at the bar, on the subject of the contract laws, a declaration was made by the counsel on behalf of the Assembly of Jamaica, which I trust will go forth to the people of this country, that they may know what they should guard against. Your Lordships were told, indeed, that the House of Assembly proposed no measure for the payment of the stipendiary magistrates; but I hope that the people of this country will feel themselves pledged to see those contracts carried into effect. Now, the obvious object for our attainment must be, to protect the negro, who has not yet experience or knowledge sufficient to take care of himself; and if, with this declaration before your Lordships, you were to reject this Bill, you would do it with the foreknowledge that there was no chance of protection for the negro, if it were left exclusively to the House of Assembly. With respect to the contract laws, there are, no doubt, several clauses that are highly objectionable; but it is not necessary to go into them, as the House of Assembly has admitted that a new contract law is required; or I could have pointed out the reasons why the negro should be unwilling to bind himself by a permanent contract. Then we were told that the vagrancy laws, which authorised the whipping of females, were repealed; but the chief justice of the island has informed me that they are not; and even supposing his opinion to be wrong,

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we have no means, here, of correcting it; so that, unless your Lordships interpose some other remedy, the Vagrancy Act of Car. II. must be considered practically in force. With respect, too, to waste lands, any man who knows the situation of Jamaica, must be aware that the provisions of this Bill are most unobjectionable and necessary. But, then, your Lordships are asked, "Why should you press these on the House of Assembly? for they are laws for the planters." That, however, I cannot admit; for, as far as these laws will amend the habits of the negro, they are laws for the negro as well as for the planter; and, if equitably enforced, will be for the permanent benefit of the negro as well as for the temporary advantage of the planter. And then we are asked, much to my surprise, "What are you about? Take care what you are doing; for the law you are passing is for the planter, and will deprive the negro of his newly acquired franchise." Are your Lordships aware that, under the present state of the law, for a negro who has a freehold of sufficient value to entitle him to a vote, — of which class, indeed, there are very few, — it is utterly impossible to exercise it under fifteen months.

LORD ELLENBOROUGH. — Fifteen months from the 1st of August last.

The MARQUESS of NORMANBY. — But they must be registered; and the number of persons either registered, or in a situation for registration, might be counted easily within the walls of this House. A considerable portion, too, of direct interference with the rights of the negro came from the House of Assembly; for in 1837, they passed an act raising the franchise to 30*l.* a-year; and last year, another Act, with a further rise, was passed. And yet this is one of the reasons urged in the memorial against any interference with the Jamaica House of Assembly! Then, with reference to the second clause of the Bill, I hold that it is not necessary, in order that your Lordships may adopt that clause enabling the Governor and Council — not the Governor alone — to revive the expired laws of the island, for me to prove — indeed, I have not the means of doing this — that all those expired laws are requisite; but amongst them are many, independent of financial arrangements, which must be revived, and I think your Lordships will say, that in this crisis the Governor ought not to be left without the power of doing so. Again, as to the militia laws, Sir Lionel Smith has stated, and I believe truly, that it has been the earnest endeavour of the missionaries to impress on the minds of the black population the great necessity of preserving tranquillity; and that in that respect they have stood in the place of police; but, surely, that is not the security in which your Lordships would wish to place the peace of the country. Amongst the laws necessary to be revised are the police laws, giving additional pay to the officers, the Rules and Articles of War, and the Insolvent Debtors Act. It has been said that if there were no Insolvent Debtors Act, no person would be put in gaol; but in answer to that I beg to state, that I have this day received accounts, showing that the prisons of Jamaica are crowded with persons who would have been discharged if the Insolvent Debtors Act had been enforced. But again, to return to the impression that this law is to oppress the negro, and will be useful to the planter, I have heard, to-day, from Jamaica, the manner in which the former Act was received; and as the negroes appear from that to have a great expectation of protection from some official source, I hope that your Lordships will take care to qualify the disappointment of this night's proceedings, — for disappointment it must in some respects be, — by assuring them, that if the Legislature is once again to be tried, and shall refuse to do what is necessary to protect them, your Lordships will, in that case, provide a remedy for them. It has been said that the interest of the Negro was never considered by the authors of the former measure; but I think the manner in which it was received is an answer to such an imputation. I have had peculiar opportunities of judging of the impressions likely to be made upon the Negro mind. After the Act of 1833 passed, I spent some weeks in travelling into every corner of the island, explaining to the negroes the object of the Act, and impressing upon their minds how much to their future interest it would be, to receive it properly; and I had the happiness of succeeding in so convincing them of the object which the Act had in view. I have always heard, since, that the negroes never worked more effectually, or showed themselves more fitted for the great boon, than in the interval between the passing and the operation of the law. Now, your Lordships have heard a great deal of all Jamaica interests being so opposed to the present Act. No doubt, many public meetings have been held on the subject, and many persons of great respectability in Jamaica are opposed to the Bill; but, on the contrary, many Jamaica proprie-

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tors of great weight, who are resident in the island, have, of late years, declined to act in the House of Assembly, and have been advised by their attorneys not to belong to it. At the same time, I had the pleasure of appointing two of the most influential members of that much despised council. But my Noble Friend (the Marquess of Sligo) who has been Governor of Jamaica, and whose conduct towards the negroes on his estates in the island I have observed, as resembling the treatment of an English landlord, has expressed himself in favour of this Act. My Noble Friend opposite (the Earl of Harewood), who has much in this country to occupy his time and attention, will, I think, find that he has been deceived on this subject; and I must say that it is not by confining exclusively to the House of Assembly, legislation in the present emergency, that the permanent interests of the negroes will be best provided for. I trust that this subject will be approached, on this occasion, without any spirit of party, — although I cannot say that such has been the case in former attempts to provide for the contingencies that have arisen. Remember that you are approaching hallowed ground! You must not trample on national humanity; great and enduring interests are at stake; recollect, well, the question you have now to decide. You called upon the House of Commons to interpose in the cause of humanity; and the House of Commons now calls upon you, with the same object. The British Parliament enacted emancipation, and it remains for the British Parliament and the British people to see that it be carried out. But our labour will be useless if we sacrifice, I will not say the cost, but the great benefits to be derived from what I may affirm to have been one of the noble acts of the British Legislature.

The EARL of HAREWOOD.—In now offering a few observations to your Lordships, I must commence by stating that I extremely regret that, in the critical and delicate position of Jamaica, the Noble Marquess, while having the power of office in his hands, should have appeared in your Lordships' House, not so much to speak on the material question of the Imperial Parliament acting over the heads of the Assembly, as to speak and act, hostilely, against the House of Assembly and the institutions of Jamaica; and that he should have opened his speech with an avowal, which, I think, was very ill timed, of having received his information from the popular party. If the Noble Marquess says there is any person connected with the West Indies who denies the power of Parliament to legislate in certain circumstances, he is completely mistaken; for there is no such denial either on the part of any person, or the House of Assembly. On the contrary, all have admitted it; and therefore, to say it is one of the sentiments of the House of Assembly, is incorrect. I will, however, state, that the discretion of Parliament must be very great in exercising that power, and that your Lordships are to consider Jamaica as an independent Legislature, with a constitution of its own; and, unless you show that a great emergency has arisen on the point on which you intend to legislate, you are not justified, even as the Imperial Parliament, in interfering. Now, the point in the present instance, is the Prisons Act; but that is not all, for that Act occasioned the present crisis, on which this dispute broke out, though a variety of circumstances previous to that had caused an irritation and excitement in the colony, — such, for example, as withholding from the inhabitants every description of information; and, even on the Prisons Bill itself, when it was brought in by the Colonial Office, not a single word was uttered as to the effect of that Bill on the constitution of Jamaica. It was brought in, too, at a time of year when only a few Members of either House of Parliament were in town; passed through both Houses without any information on the subject having reached the colony from their agent, — it having gone through two stages in the House of Commons before he was aware of it; and the first time it was heard of in Jamaica was its being stuck up on the doors of the House of Assembly. That, surely, was not the way to treat any body of persons. The Legislative Assembly of Jamaica did not deserve such treatment. The Noble Marquess has said that, in 1832, a representation was made to the House of Assembly concerning the state of the prisons; but he omitted to say that, on that subject, in 1834, the House of Assembly received the commendation of the then Governor of the colony for having taken it into consideration, and also that the present Prisons Bill contains many of the same provisions as that of the Assembly. Captain Pringle was then sent out to make inquiry; and the House of Assembly stated that, so soon as Captain Pringle should have made his report, they intended to take up the subject; and, indeed, they had so far taken it up as to have twelve clauses prepared to be proceeded with in the next

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session. But, before that time, Captain Pringle made his report here, and the Prisons Bill was passed, and sent out. With regard to the question of the legislative power, I would put it to your Lordships to consider what will be the operation of the measure upon society in Jamaica, seeing that its effect, and still more its intention, is, indirectly, to supersede the House of Assembly of the island. If the Government mean to do so, let them say so; but let it not be put into the power of the Governor to say that the House of Assembly shall be called upon to do certain Acts, — and that, if they do not do those Acts, then his own legislative power shall be brought into play. I have no doubt — I have not the slightest doubt on earth — that the intention of Government is to do away with the House of Assembly. If it be not, I should like to hear the fact answered, the other way. As to legislation for the colony, I maintain that the Imperial Parliament had the right to interfere, especially on the subject of the abolition of slavery. That was a great national question; it concerned great national interests. The Imperial Parliament might have interfered, with propriety, on most points connected with the Emancipation Act; yet they referred it to the House of Assembly of Jamaica to pass measures relating to two most important points connected with that Act.

As to the Noble Marquess's observations respecting the popular party in Jamaica, I believe that I am a friend of the popular party, and substantially so; and I do not want to take from them the rights to which they have lately succeeded. The shortest way for the Government would be, to do away with the House of Assembly at once, if that be their indirect object. At all events, of this I am quite sure, — that, looking to the present state of the Island of Jamaica, it is the duty of Government to proceed with the utmost caution and circumspection. I do not complain, therefore, of any measures of a cautionary character which the Government may have thought proper to put in execution; but what I do complain of is, that the reports which have been made of the state of the island are all on one side; they are not taken with due care; nor are all that have been received communicated to your Lordships. I fear that all the reports of the stipendiary magistrates are not laid on the table of the House. With regard to the Acts enumerated in the second clause of the Bill, the Noble Marquess appears to admit that they are of no importance, with the exception of those concerning the police: but it ought to be observed, that, if your Lordships mean to conciliate the people of Jamaica, it will be necessary, out of those seventeen Acts, to exempt from the operation of this law seven, — for seven only are Money Bills, strictly speaking, the others not being so: — but these are Money Bills; and if it be your Lordships' object to declare yourselves anything short of hostile to the constitution of Jamaica, you will think it necessary to exempt from this clause, on the ground that they are Money Bills. For myself, however, I must say, I object wholly to the measure. I do not think that your Lordships were justified in carrying the Prisons Act in the way in which it was carried. Still, if that measure were carried in haste, I am not for begging pardon of the House of Assembly of Jamaica. Not I. But I think that the Imperial Parliament may possibly have legislated hastily on that occasion; and that, nevertheless, the hand of conciliation may possibly yet be held out, — and that, not in any mean or unworthy manner, — for I am persuaded it requires only the commonest assurances to effect the end desired. This is the state of the case. In consequence of the passing of the Prisons Act, the House of Assembly says, "We cannot go on." What happens? The House of Assemby is prorogued, and it is kept prorogued: from the 3d of February to the present hour, they have remained under prorogation. Not one word in explanation has been allowed them. But I am sure that a common softening down as to the Prisons Act would have done all that was required. But I say that the House of Assembly have not had an opportunity given them for explanation. Sure I am that, if one word of conciliation were offered to them, instead of hostility, they would come to work again as willingly as ever. There is another view of the subject which appears not undeserving of your Lordships' consideration. On the first division of the two which were taken on this Bill, there was a very large minority in the House of Commons, who voted against annihilating the power of the House of Assembly. On the second division, the majority in favour of the Bill was only ten, — clearly showing that it was not very acceptable to the House of Commons. But, without referring further to that point, I will merely add, that, having mixed myself up with the West Indian proprietors elsewhere, I feel bound to call upon the House to give a decision one way or the other upon this important question; and, as the Money Bills are not omitted from the second clause, I beg to move that the

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Bill be read a second time this day three months.

The MARQUESS of NORMANBY.—In speaking of the popular party in Jamaica, and the intelligence I have received from them, I only meant to refer to intelligence received through the ordinary channels of information.

LORD BROUGHAM.—I will not deny that I entertain great objection to the principle of legislation involved in this Bill. I profess to be against the Prisons Bill. I think it most improper to interfere with the Money Acts of the Assembly. But although I have great doubts as to the principle of this measure, yet I am not prepared to say that nothing should be done in the matter; and I, for one, shall vote for the second reading. As to the Bill itself, I object to the principle of it, as I object to the principle of all such Bills, whether they be Island Bills or Canadian Bills. My Noble Friend is only against the suspension of an island constitution, not of a Canadian constitution. If he were a Canadian, he would have felt, on the late occasion, with me; but, as he is a Jamaica man, my Noble Friend is opposed to this Bill. On the whole, I think it would be better to take the discussion to-morrow; particularly as I, for one, when I came down to the House this evening, thought it was already so arranged. As your Lordships are obliged to do something, you may as well do it in the committee, where it can be done with the least waste of time.

The DUKE of WELLINGTON.—I cannot allow this question to go to a vote without troubling your Lordships with a few words upon it. I understand that I have been subject to some animadversion at having opposed the Negro Emancipation Bill. I certainly did endeavour to prevail upon your Lordships not to pass that Bill. In fact, I divided the House against it. But, from the day that that measure was passed into a law, to the present, I beg to observe, that, Parliament having thought proper so to pass it, I have agreed to every other proceeding which has been proposed by the Government in order to carry negro emancipation into execution. I have assented to all these measures, though, I confess, with great pain, always protesting against them, and considering them invasions of the constitution of Jamaica. But, considering that the planters of that island had received compensation for emancipating their negroes, and that measures for carrying into execution that provision had been instituted, I was of opinion that your Lordships ought to carry the further Acts necessary for completing the Emancipation Act into execution. I therefore have agreed to all those measures, at the same time that I protested against them; and invariably called upon your Lordships to endeavour to settle the affairs of Jamaica with the concurrence of the House of Assembly and the authorities of the island, rather than to take the affair upon yourselves. But I have no recollection of the measure which has been the cause of the existing disagreement between the Governor and the House of Assembly of Jamaica. I certainly do attend very constantly to the proceedings of your Lordships' House, and to the measures which come under consideration; and more especially, last year, I gave great attention to the measures relating to the West Indies; but I have not the smallest recollection of the Prisons Bill. Probably, indeed, I was out of town at the time; for if I had been in my place, most probably I should have opposed the Bill. But the measure was carried into execution, having passed Parliament; and it appears to me that it was communicated in a very extraordinary, a very unusual, and a not very decorous manner, to the House of Assembly of Jamaica. But, however all that might be, I cannot think that the House of Assembly was justified in coming to the resolution that it would not perform its duty, and that it would suspend its functions. Under these circumstances, I confess that, notwithstanding the speech of my Noble Friend behind me (the Earl of Harewood), I shall vote for the second reading of the Bill,—though I certainly do so very unwillingly. I confess that what has occasioned me the greatest doubt on the subject, has been the speech of the Noble Marquess on moving the second reading of the Bill. I never heard a speech from a Minister of the Crown, coming down to Parliament to expound the principles of a measure for imposing restrictions upon the constitutional rights of the population of a portion of the British empire, which was so little calculated to conciliate the hearers of it, and so little calculated to conciliate the public; and I repeat, therefore, most solemnly, that the greatest doubt which I feel as to the propriety of giving the Bill a second reading, is created by some of the topics which entered into the speech of the Noble Marquess. The Noble Marquess, almost in so many words, declares his object to be the destruction of the Legislature of Jamaica; and he yet enter-

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ains an opinion that the most effectual way of protecting the negroes is the destruction of the House of Assembly. But t should be remembered, that, if it had been possible to do so, those who brought orward emancipation would have brought t forward by means of the House of Assembly of Jamaica. They regretted they could not do this; though, to the very ast moment, they were desirous of it. It s perfectly true that Parliament refused, ast year, to put an end to slavery on the 1st of August, 1838. That part of the measure was, however, enacted by the House of Assembly of Jamaica, because Parliament had positively refused to adopt it; and yet the Noble Marquess comes down and tells your Lordships, notwithstanding, that, as he believes, the very last act of the Jamaica Legislature was to pass this enactment for emancipating all negroes in the island on the 1st of August, 1838; that the Jamaica House of Assembly cannot be trusted to carry into execution the new regulations which become requisite under the new relations of society established in that island; and that the functions of the House ought to be put an end to. Still, the very last measure which they passed, was the law emancipating their negroes two years sooner than the period settled by Parliament. I say, therefore, that, under these circumstances, showing as they do the injustice of the Noble Marquess's remarks and opinions in opposition to this House of Assembly, I do doubt about the propriety of agreeing to the second reading of this measure. I am one of those who always considered — and I am sure the Ministers of the day so stated — that it was their duty and their intention to do all they could to preserve and protect property in that island, to protect the civilisation of society, and to encourage it by every means in their power. Now, I should like to know how property is to be protected? how civilisation is to be established? If you begin by destroying the House of Assembly, and establishing there a despotism in the person of the Governor of the colony, acting with his Council, I believe that there will be no safety for liberty, no safety for persons, in the state of society which will then exist in Jamaica. I believe that neither liberty nor property will be secure, unless the House of Assembly and its authority be maintained. I know this, that when I first heard of these intentions of putting down the House of Assembly, — according to reports which have been confirmed by the speech of the Noble Marquess this evening, — it was my firm opinion that there existed a desire to withdraw every white from the island. If that be not the wish of her Majesty's Government, then I will say that those who propose such measures as these are not in a state of sanity. Property cannot exist either there or elsewhere without drawing to it a certain degree of power; and if you destroy the House of Assembly, you must withdraw the whites: that your Lordships may rely upon. I certainly am anxious to vote for the second reading of this Bill: I wish it to go into committee, that it may receive such amendments as may be necessary to render it palatable to the House of Assembly, and at the same time to insure the execution of those measures which are required for carrying on the government of the colony. I confess that, when I hear of the misbehaviour of the House of Assembly, and their neglect of all their duties, I cannot avoid reminding those who speak in this tone that the House of Assembly has been in a state of prorogation from February to the present time. The Noble Marquess opposite now comes down to ask your Lordships to visit with vengeance the House of Assembly, by authority of the Legislature of this country; but never even hints any intention on the part of Ministers to instruct the Governor, who is now about to go out, to call the Assembly together. Now, I think it is the duty of those who are in possession of authority to endeavour to conciliate those who may feel offended, — to give them a chance, at least, of continuing in their functions by treating them with civility and kindness. The Noble Marquess has done no such thing; on the contrary, his whole speech was made up of violent threats against the House of Assembly, — uttered for no other reason, that I could divine, except that the House of Assembly has disapproved of an Act of Parliament passed in usurpation of their own authority, and communicated to them in a way in which I do not think any private gentleman would like to have an order from a superior delivered to him. I advise your Lordships to vote for the second reading of this Bill. I am sorry my Noble Friend has moved that it be read a second time this day three months. I advise your Lordships to go into committee, that you may consider the various clauses of the measure, and make such amendments as may appear proper, with the view of sending it down to the other House in such a shape as that it may be sent out to the Island of Jamaica with some hope and prospect of being effectual.

LORD GLENELG. — As your Lordships seem disposed to concur in the suggestion to go into committee on the Bill

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to-morrow, I certainly shall not think of obtruding myself long on your attention. I will just state the course which the Government pursued with respect to the Prisons Act. I wish to guard your Lordships against supposing that the subject of the West India prisons is one that has recently arisen. The state of the workhouses and prisons of Jamaica was a constant topic of complaint in the despatches of the Marquess of Sligo and Sir Lionel Smith, to the Colonial Office. It was constantly pressed on the attention of the House of Assembly during the years 1836 and 1837. My Noble Friend below me (Lord Brougham), in a speech delivered by him last Session, directed your Lordships' attention to the frightful abuses which disgraced the gaols of Jamaica; and he called on Government, by every sacred consideration of justice, to put an end to the cruelties perpetrated in those horrid dungeons. I said, in reply, that I could not but admit that the time had at length arrived at which Parliament must interpose, in its strength and majesty, to repress practices equally revolting to justice and common humanity. The Prisons Bill was in consequence introduced, after the Report of Captain Pringle, the inspector, had been received. I maintain that the Prisons Bill was a necessary part of the Abolition Act Amendment Bill, to which your Lordships agreed last Session. The House, by acceding to the Abolition Act Amendment Bill, gave its sanction to the Prisons Bill. The latter measure was founded on the previously expressed opinions of your Lordships, and was destined to apply, permanently, and to a future condition of society, the same principles which the other measure only put into temporary operation. The Prisons Bill was passed without any opposition; but nothing can be further from the truth than to say that it was a measure passed in ignorance, and without a full expression of your Lordships' approbation. It has been said that the measure was promulgated in Jamaica in a peculiar manner. I am not aware of the circumstances; but I suppose it was proclaimed in the manner in which Bills generally are proclaimed. This I know, — that, looking over the debates which took place in the House of Assembly at the time that the Act was sent out, I do not find in any one of the speeches, whether of speakers hostile or favourable to the Government, the slightest allusion to any want of civility or courtesy on the part of the Home Government, in the mode of promulgating the Act. Many of the speakers were extremely hot, extremely violent, against the conduct of the Government generally; but not one of them made any complaint upon this particular subject.

VISCOUNT ST. VINCENT. — It is not my intention to trespass, long, on the attention of your Lordships; but I feel anxious to say a few words with respect to what has fallen from the Noble and Learned Lord opposite. I certainly do disapprove of the manner in which Government have acted, with reference to the Prisons Bill. I say it was ungracious towards the House of Assembly, after what they had already done to forward the operation of the Emancipation Act, not to give them some credit for what they might do hereafter. Looking at their past proceedings, I think it cannot be said that the House of Assembly are indisposed to adopt all the necessary measures to carry out the Emancipation Act. With regard to prison discipline in Jamaica, I admit that a remedy is required; but I think the Government have not adopted the proper one. I object strongly to the principle of the present Bill; and when I know that a few kind words would have been sufficient to induce the House of Assembly to resume their functions, I should have thought that the Noble Lords opposite, having suspended their functions a short time since, and having then experienced the effect of a few kind words themselves, would have hesitated a little before they proposed to Parliament to deal so harshly and severely with the Assembly of Jamaica. As the Bill is not to be opposed in the present stage, I hope, when your Lordships go into committee, you will be careful to expunge all the objectionable clauses. I trust that you will expunge not only the first clause, but that part of the second which gives to the Governor in council the power of enacting Tax Bills, provided the House of Assembly do not resume its functions within a certain time. Jealous as the other House of Parliament usually is of its privileges, I cannot help feeling some surprise that it should, last year, have allowed the Prisons Bill, which is a Money Bill, to be mutilated in your Lordships' House, and to be passed and sent down to them, without one word of comment.

The EARL of HAREWOOD. — As it appears that your Lordships are not disposed to divide, I shall not press my amendment; but, in withdrawing it for the present, I beg to say that I do so

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under a firm conviction that such alterations will be made in committee, as may enable me to agree to the Bill. If those alterations be not made, I shall deem it my duty to oppose the measure in its further stages, and to take the sense of the House upon it.

VISCOUNT MELBOURNE.—In consequence of what has just fallen from the Noble Viscount opposite, I think it is hardly expedient that I should occupy one moment of your Lordships' time. It is certainly my intention to reserve my observations in favour of the Bill till it shall have arrived at its next stage; but, at the same time, I cannot but say that I think the Noble Duke (the Duke of Welllington) has treated my Noble Friend, the Noble Marquess (the Marquess of Normanby) near me, with great harshness and great injustice. I listened very attentively and carefully to the whole of my Noble Friend's speech; and I declare I could not perceive, in any part of it, anything of the heat, anything of the violence, anything of the acrimony, anything of the irritating nature, which the Noble Duke has so liberally imputed to it. The fact is, that, owing to circumstances, we are forced upon a course of action of which we do not, ourselves, approve, — which we do not think the best that could be adopted, — which we do not think will be successful, — which we believe will ultimately terminate in the necessary adoption of the measure which has been rejected; but, at the same time, as my Noble Friend has most clearly and distinctly stated, we are willing to give the present Bill, which must be regarded as an experiment, a full and fair trial. My Noble Friend stated that he meant to treat it fairly; and, unquestionably, if the House of Assembly should do that (which I do not think they will do), — if they should show a disposition to resume their functions — to perform the duties which are imposed upon them — the duties for which they are constituted, — if they should show a disposition to take such a course, unquestionably there will be every desire on the part of the Government to do that which I admit, with the Noble Duke, would have been, if circumstances would have permitted it, by far the most prudent course that could be adopted, — namely, to concert all the measures, connected with the completion of the Act of Emancipation, with the House of Assembly, and thereby to secure the consent, concurrence, and authority of that body. Unquestionably that would have been the best course that could have been adopted; but the Government was driven out of that course by the conduct of the House of Assembly. It was with the deepest regret and concern that the Government felt themselves compelled to adopt a different course. However, they will be ready to act according to their original and better intention, when they feel that they can do so with justice to themselves, justice to the country, and justice to the colony itself. When the Noble Viscount (Viscount St. Vincent) spoke of the impropriety of having originated a Money Bill, — and when he commented upon the apathy of the House of Commons in not vindicating its privileges, — I must be allowed to express my surprise that he, seeing the great impropriety of the measure, did not take the opportunity of resisting it last ——

VISCOUNT ST. VINCENT. — I was not in the country.

VISCOUNT MELBOURNE. — I am surprised, then, that the Noble Duke did not state, last year, what he has stated this evening, with respect to the Prisons Bill. The Noble Duke is in the habit of paying the closest attention to the business which comes before your Lordships; and I am therefore astonished that he should have allowed so very objectionable a Bill to pass without notice. I again repeat, that I shall reserve my observations in support of the present measure till its next stage; for I merely rose to state that the remarks which the Noble Duke has made upon my Noble Friend's speech were too severe; — nay, more, that they were utterly unfounded.

LORD ELLENBOROUGH. — As I fully and entirely concur in every word that has fallen from the Noble Duke in reference to the Noble Marquess, I feel it my duty to rise to take my share in any responsibility that may result from the expressions he has used. I think that the speech of the Noble Marquess was calculated to deprive the measure, now proposed, of the advantage of having a fair trial. I think it was calculated, by its revival of old grievances, to irritate the House of Assembly, and to prevent the adoption of those measures which the condition of the colony seems to require. With the exception of the speech of the Noble Duke, I may say, I regret the tone which has been adopted on both sides of the House in the present discussion. On the one hand, I think that the Noble Marquess has shown much intemperance in his condemnation of the House of Assembly; on the other hand, I think that the Noble

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Earl (the Earl of Harewood), and the Noble Viscount (Viscount St. Vincent) near me, have been too eager to vindicate and excuse the conduct of that body. Of the two, however, I must say that I think the intemperance of the Noble Marquess is most to be deprecated. As regards the Prisons Bill, I will take upon myself any blame which may attach to this House for passing that measure. I consider that that measure was perfectly justifiable. I thought so on reading Captain Pringle's Report, and also on the description which a Noble Friend of mine gave the country of the atrocities practised under the old system. As I am of opinion that the Imperial Parliament was justified in passing the Prisons Bill, I cannot consider that the conduct of the House of Assembly was altogether justifiable. I am, however, anxious that legislation for the colony of Jamaica should be carried on by the House of Assembly under its existing constitution. I dislike all suspensions of constitutions; they alter the tone of men's thoughts and feelings, and are in their results highly injurious to general liberty. It has been well said by a high political authority, that slavery, even if it commence at the extremities, is inconceivably rapid in its progress, and is certain, before long, to carry its contagion even to the heart of an empire. I might add, that it is of the very essence of arbitrary government, when it is once commenced, to create necessities for its own continuance. It is for this reason that I objected to the measure which was introduced into the other House of Parliament on this subject, — but which, in deference to public opinion, was subsequently abandoned. It would have been destructive of liberty in Jamaica; and the destruction of liberty in Jamaica would have been detrimental to the cause of general liberty in this country.

The DUKE of WELLINGTON. — One word by way of explanation. I have to apologise to your Lordships for not having attended to the Prisons Bill at the time it was under your consideration, last year. Perhaps, if I had attended to it, I should have voted for it, as I did for other Bills, which I considered to be necessary to carry into execution the Negro Emancipation Act, — against which, be it recollected, I voted originally. When, however, that measure became an Act of the Legislature, I voted in favour of all measures necessary to give it effect. I have no recollection of the Prisons Bill being mentioned at all in Parliament; but if I had been in the House at the time, I should probably have voted in favour of it on the grounds I have already stated.

The MARQUESS of NORMANBY. — If I had deserved the severe animadversions of the Noble Duke, no one would feel more severely than I should do, the weight of censure falling upon me from such a quarter. But I have the pleasing consciousness of feeling that I do not deserve it. I did not, therefore, require the weight of the sentence with which the Noble Baron opposite (Lord Ellenborough) has thought to overwhelm me, to induce me to rise and protest against those animadversions as unfounded and unjust. The Noble Baron, however, divided his censures so equally amongst all your Lordships who have taken share in this debate, that you must even make up your minds to bear it among you as you best can. The Noble Duke has found fault with me, because I did not distinctly state that the House of Assembly would be called again together before the Bill was put into operation. Now, when I said that this experiment should be fully and fairly tried, I meant, of course, that the House of Assembly should be called together in time to prevent the necessity — in case it resumed its functions — of those Orders in Council being carried into execution. The Noble Baron (Lord Ellenborough) has been pleased to say that I have been intemperate. If the charge be true, I can only plead that I am not in the habit of being so. But any person who has been an eye-witness, as I have been, of the practical evils of slavery, must be inclined, when he sees impediments to the remedy of them raised and created by the House of Assembly, to express himself rather warmly. At the same time, I cannot tax my memory with having used, on the present occasion, a single expression which I feel myself called upon to retract.

The amendment was then withdrawn; and Bill read a second time, and committed to a committee of the whole House to-morrow; and the Lords summoned.

SLAVERY.

LORD BROUGHAM. — I wish to ask a question of the Noble Marquess the Secretary of State for the Colonies, in reference to a statement which has gone the round of the American and European newspapers. I entertain no doubt that it will be in the power of the Noble Marquess to give it a decided contradiction;

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ut the sooner that contradiction goes orth the better. The statement in question is, that five slavers put into Rio on ne 25th of March last, and that the slaves hich they carried were sold to a slavery f eight years at 5*l.* a head. This, evidently, must be untrue. But it is clear iat a practice prevails, which demands ne immediate attention of her Majesty's overnment. The practice is this,—that hen negroes cannot be properly located, s it is called, they are taken to Cuba and ther places, where it is legal to indenture iem as apprentices. I have been informed by a gentleman of high respectability connected with Dominica, that 430 egroes were, in 1837, brought there in a laver, which afterwards remained for the urpose of being repaired. I am bound, lso, to observe, that my informant states iat, wherever the negroes are located, ney generally, if not uniformly, behave ith the utmost correctness and propriety.

The MARQUESS of NORMANBY.—I have received no information on the ubject of the Noble and Learned Lord's rst inquiry. As regards his second, I hall take care to ascertain whether or ot there be any information in the Colonial Office relating to it.

COMMON PLEAS REGULATION BILL.

The LORD CHANCELLOR having moved he third reading of this Bill,—

LORD LANGDALE said:—The practice in the Court of Common Pleas being ormerly confined to serjeants, was, by an rder issued five years ago, opened to all arristers. The Bill now before the House proposes to open it only partially, y confining the power of moving for ew trials to causes tried on the circuit, and excluding those tried in London nd Middlesex. As the greater number of causes tried by the Common Pleas are in he latter division, of course barristers re shut out in a proportionate degree. I think, then, it would be more conducive o the public service, if the Act were more extended in its operation. As this Bill is, however, brought in for the purpose, as I understand, of reconciling differences, and as it is in all probability well considered, I shall not further oppose it.

The LORD CHANCELLOR.—The reason that this privilege is confined to he circuit is, because the serjeants do not go there; whereas they are always to be found in London and Middlesex.

The Bill was then read a third time, and passed, and sent to the Commons.

JAMAICA.

On the motion of VISCOUNT ST. VINCENT, an Address ordered for—copy of despatch of Lord Glenelg, dated 31st of March, 1836, to the Governor of Jamaica.

SABBATH.

Petition for the better observance of, and for suspension of the business of the Post Office on the Sabbath,—of inhabitants of Dalkeith.—Read, and ordered to lie on the table.

SCOTCH CHURCH.

Petition for the further endowment of,—of inhabitants of Strontian.—Read, and ordered to lie on the table.

CHURCH DISCIPLINE BILL.

Petition against,—of clergy of the diocese of Norwich.—Read, and referred to the select committee on the Bill.

ESTABLISHED CHURCH (CANADA).

Petition for the protection of,—of inhabitants of Uttoxeter.—Read, and ordered to lie on the table.

PAPERS.

Copies of all laws of the Island of Jamaica which have expired since the 30th day of October, 1838.—Delivered (pursuant to Address of Tuesday last), and ordered to lie on the table.

Annual account of the commissioners of Gravesend Pier.—Delivered, and ordered to lie on the table.

Returns showing the weekly diet of several independent labourers in the counties of Leicester, Lincoln, and Cambridge: And, also,

Returns from several parishes in the counties of Cambridge and Suffolk, of the

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number of pauper marriages and of illegitimate births in stated periods before and after the operation of the Poor Law Amendment Act.

Delivered (pursuant to Address of Friday last), and to be printed.

Copies of three letters addressed to Lord John Russell by Mr. John Day, a member of the board of guardians of the parish of St. George the Martyr, Southwark; one dated the 8th of December, 1838, another dated the 15th of December, 1838, and a third dated the 28th of December. — Delivered (pursuant to order of the 18th of June last), and to be printed.

Adjourned.

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HOUSE OF COMMONS.

MESSAGE TO ATTEND THE LORDS COMMISSIONERS.

The House went, and being returned, Mr. SPEAKER reported the Royal Assent to the following Bills: — Bishops' Residences; Windsor Castle Stables; Waterford Fever Hospital; Fraserburgh Harbour; North Midland Railway; Edinburgh, Leith, and Newhaven Railway; Manchester and Leeds Railway; Bristol and Gloucestershire Railway; Slamannan Railway; Wishaw and Coltness Railway; Ballochney Railway; Croydon, Merstham, and Godstone Iron Railway Company; Preston and Wyre Railway and Harbour, and Preston and Wyre Dock; Tyne Docks; Birmingham Canal; Norwich Tonnage; Bradford (Wilts) Improvement; Aberdeen Market and Improvement (No. 1.); Edenfield and Little Bolton Road; St. Leonard's and Sedlescomb Road; Sawmill Ford Bridge and Road; Glasgow and Renfrew Road; Southmolton Roads; Bethlem Hospital Estate; Blunt's Estate; Harrow School Estate; Duke of Buckingham's Estate; Sharp's Estate; Ladykirk (or Robertson's) Estate; Earl of Darnley's Estate; Hodson's Estate; London Corporation Estate; West Croft (Nottingham) Inclosure; West Beckham and Alby (Norfolk) Inclosure; Almsworthy (Somerset) Inclosure; Hartishead or Dewsbury (York) Inclosure; Nottingham Common Fields Inclosure; Coode's Divorce; Carleton's Divorce; Ivanoff's Naturalisation.

PRIVATE BUSINESS.

Petitions for Private Bills. — Leave to Sub-Committee No. 2. to sit this day till five of the clock, during the sitting of the House.

Gravesend Pier.—Annual account presented, of receipt and expenditure (by Act). — To lie on the table.

Allison's Divorce Bill. — Read a third time, and passed; evidence to be returned to the Lords.

Count St. George's Naturalisation Bill. — Read a second time, and committed to Mr. HAYTER and the East Somerset list.

Earl of Stamford's Estate Bill.—Read a first time; to be read a second time.

Marshall's Estate Bill.—Read a second time, and committed to SIR CHARLES DOUGLAS and the North Warwick list.

Rathkeale (Limerick) Inclosure Bill.—Committee on Bill revived; leave to sit and proceed upon Friday next; time further enlarged for committee to report till Monday next.

Black Quarry (or Anniesland) Road Bill. — Read a third time, and passed.

Manchester and Birmingham Extension (Stone and Rugby) Railway Bill.—Leave to committee to sit and proceed with two selected Members.

Manchester and Birmingham Railway Bill; Peterborough Gaol Bill. — Lords' amendments agreed to.

Railways (Ireland). — Petition of the Bristol and Gloucestershire Railway Company, for the construction of a branch line of railway to Waterford. — To lie on the table.

PUBLIC BUSINESS.

LEAVE OF ABSENCE.

To Mr. YORKE, — a week.

MESSAGE FROM THE LORDS,

That they have agreed to — Itchen Bridge and Roads Bill, without amendment; and to amendments to Lord Templemore's Estate Bill, without amendment: and to Patent White Lead Company Bill, with amendments.

That they have passed a Bill, intituled, "An Act to authorise Conveyances in Fee Farm or Demises for long Terms of Years, under reserved Rents, of certain Parts of the settled Estates of the Right Honourable George Harry Earl of Stamford and Warrington."

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That they do communicate to this House the minutes of evidence taken upon the second reading of the Bill intituled "An Act to dissolve the Marriage of Edward Leigh Pemberton with Charlotte, his now Wife, and to enable him to marry again, and for other Purposes therein mentioned," as desired by this House; and the Lords do request that the said minutes of evidence may be returned to them.— Referred to the committee on the Bill.

MISCELLANEOUS PETITIONS.

The following petitions were severally presented, and ordered to lie on the table; namely, —

Education, — By Mr. Buck, Sir P. Egerton, Mr. Wilkins, Lord Barrington, Sir E. Filmer, Mr. G. Palmer, Sir J. Graham, and Lord Stanley, against the proposed scheme,— from Shute; Harberton; Stoke Gabriel; West Molesey; Weald of Kent; Chirbury; Cawood; Wistow; Cliff with Lund; Selby; East Gaiston; Bampton; Hartsbourne Tarrant and Vernhams Dean; Shalfleet; Hundred of Wirral (Chester); Glasbury; Oxendon Magna; Gloucester; Blackrod; Woodford; Hardley; Ramsgate, St. Lawrence, &c.; Dumfries; and Whitby (chairman of a meeting).

By Sir J. Y. Buller,— from Creaton, against the new scheme.

For revoking the order appointing a Committee of Council to superintend the application of the parliamentary grants, — from Upholland; Guildford; and Doncaster.

By Mr. Gillon, — from Livingstone, for a national system.

Church of Scotland,— By Mr. Gillon, — from Airdrie, against further endowments.

In support, — from Barvas; Salen; Grantown; Cromdale; and Mid-Calder.

Queen's Printer (Scotland), — By Mr. Gillon, — of the moderator of the Relief Synod, Glasgow, against the renewal of the patent for printing Bibles.

Stage Coach Duties,—By Mr. Gillon, —from the proprietors of coaches running between Edinburgh, Dundee, and Aberdeen, for repeal.

Lord's Day, — By Sir G. Clerk and Mr. Plumptre, for better observance, — from Brailsford; Derby (two petitions); Stony Middleton; and Dalkeith.

Maynooth College, — By Lord Viscount Grimston, Mr. Plumptre, and others, against further grant, — from Leicester; Hitchin; Yeaveley; Clifton (Derby); Ashbourn; St. Peter (Derby); Tavistock chapel, Broad Court, Drury Lane, London; and Ramsgate, St. Lawrence, &c.

Postage,— By Mr. Wallace, Mr. Wilkins, Mr. T. Duncombe, and Mr. Pattison, for a low and uniform rate,— from Presteigne; Portree; Dartmouth; Tiverton; persons employed in the establishment and manufactory of William Smee and Son, cabinet makers and upholsterers, Finsbury Pavement and Little Moorfields, London; Kensington Gravel Pits; Tarbolton; Bangor; H. Butter and others; Longford, Westmeath, and Roscommon; Young Street, Kensington; Edinburgh (two petitions); proprietors and members of the Russell Institution; Carrick on Shannon; and Misterton.

St. Christopher and Nevis, — By Doctor Lushington, — of freeholders and householders of the Islands of St. Christopher and Nevis, for reform of the local government.

Collection of Rates Bill,— By Doctor Lushington,— from St. Leonard's, Shoreditch, against.

Gaelic Language, — By Sir James Graham, — from Glasgow, for the establishment of a Gaelic professorship in the University of Glasgow.

Rating of Tenements Bill, — From the Bridgewater union, in favour.

Poor Law Amendment Act, — By Mr. Sanford, for alteration, — from Westbuckland; and Nynehead.

Idolatry (India),—By Mr. Strutt, for prohibiting the interference of *British* authorities in the management of idolatrous ceremonies, — from Derby; and chairman of a committee of the *Derby* and Derbyshire Auxiliary Established Church Society.

Roman Catholics, — From Wigan, for the repeal of the Relief Act.

Highways Act, — Of trustees of the Horsham and Crawley road, for restoring the liability of parishes to contribute towards the repair of turnpike roads.

Paper Duties Bill, — By Mr. T. B.

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MACAULAY,—from paper manufacturers of Edinburgh, suggesting alterations therein.

Courts of Law,—By Mr. HARVEY,—of Thomas Lott, for allowing attorneys to plead in courts of common law, in the absence of counsel.

Church Rates,—By Mr. T. DUNCOMBE, —of John Thorogood, a prisoner in the gaol of Chelmsford, for the nonpayment of church rates, praying the House to adopt measures for his immediate discharge.

Sicilian Sulphur Trade,—By Mr. KINNAIRD, —from Perth, complaining of injury sustained by the trade of this country by the grant of a monopoly of the sulphur trade in Sicily to a company of French adventurers.

Innkeepers,—By LORD GRIMSTON,—of inn, hotel, and tavern keepers, for amendment of laws affecting their trade.

Corn Laws, —Against repeal, —from Sherwell, Georgeham, &c.; and Hooton Roberts, &c.

County Courts Bill, —Of clerks of Courts of Requests in the county of Kent, for compensation.

From Dartmouth, in favour.

Referred to the select committee on the Bill.

PAPERS, RETURNS, &c.

Public Petitions Committee.—Thirty-third Report brought up, and read; to lie on the table, and to be printed.

Prussia. — On the motion of Mr. WODEHOUSE, Address for —

Copies of note from the Prussian Minister, transmitted to the Lords of the Committee of Privy Council for Trade and Plantations, by the Secretary of State for Foreign Affairs, in 1825, and of minute upon the same, by that board, of the 17th day of January, 1826.

Printed Papers.—On the motion of Mr. WALLACE, Return ordered, —

In detail and columns, of the whole expenses incurred in the trial of Stockdale v. Hansard, with the names of the recipients of each sum, and the sum total expended, and to be paid by the public.

Factory Inspectors.—On the motion of Mr. BOOTLE WILBRAHAM, Address for —

Return of the number of days, in any period within the last twelve months, during which the inspectors of factories have been in their districts.

French Claims.—On the motion of Mr. HARVEY, Return ordered —

Of the unappropriated balance of the funds provided for the liquidation of the claims of British subjects, under the conventions of the 20th day of November, 1815, and the 25th day of April, 1818.

Registration of Deeds Office (Dublin). —On the motion of SIR DENHAM JEPHSON NORREYS, Return ordered—

Showing the charge and discharge of the Office for the Registration of Deeds in Dublin, in each year, from the 31st day of December, 1832, to the 31st day of December, 1838:

The charge is to distinguish the several sources from whence it has arisen, whether from registration of deeds, ejectment decrees, anonymous partnerships, negative searches, common searches, personal searches, or from miscellaneous receipts of any kind; the number and average cost of each description of search, or of registry, is to be distinctly set forth in each year:

The discharge of each year is to be separated into ordinary and extraordinary expenditure; distinguishing the charge for fixed salaries from payments to extra clerks, &c.; also, to state the amount paid for parchment, books, binding, stationery, furniture, fuel, servants, repairs or alterations of the office, and miscellaneous; and the number of clerks employed in the office at any period of the year beyond those appointed by the Act 2 and 3 Will. IV. c. 87.:

Annexed to the Return is to be a statement of the number of volumes of day-books, indexes, abstract-books, transcript-books (distinguishing duplicates), and files of memorials which have been completed since the 31st day of December, 1832, with the average number of folios in each class; also, the number of volumes of indexes which are now in progress, to be completed on the 31st day of December, 1839; also, to state what progress has been made in forming the first series of consolidated indexes, and the number of volumes, or the value of the stock of parchment which has been procured for the same, or which is now on hand; and whether any and what progress has been made in copying the old indexes and abstract-books.

Spain.—Copy presented—of papers relating to the war in Spain (by command).—To lie on the table.

Sweets or Made Wines.—On the motion of Mr. PATTISON, Returns ordered —

Of all sweets or made wines imported from Scotland and Ireland into England, under the provisions of the Act 6 and 7 Will. IV. c. 72., stating the port or place imported from and the port or place imported into, from the 1st day of September, 1836, to the 31st day of December, 1836, both dates inclusive; from the 1st day of January, 1837, to the 31st day of December, 1837, both days inclusive; from the 1st day of January, 1838, to the 31st day of December,

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1838, both days inclusive; from the 1st day of January, 1839, to the 24th day of June, 1839, both days inclusive; stating the denomination, sort, or kind of all such sweets or made wines and sweetened compounded spirits so imported, and the amount per gallon of duty charged and paid upon all the above-mentioned articles so imported:

Of all seizures that have been made by the Excise and Customs of any of such sweets or made wines and sweetened compounded spirits so imported, and the reason of such seizures:

Of all sweets or made wines and sweetened compounded spirits seized inland, being brought from Scotland into England, contrary to the provisions of the Act 6 and 7 Will. IV. c. 72., since the passing of the said Act to the present period:

Stating how all seizures of the above-mentioned sweets or made wines and sweetened compounded spirits, within the period of the dates specified, have been dealt with, if any, and what amount of penalty has been enforced against the parties from whom any such seizures have been made:

Of the quantity, stating the denomination, sort, or kind, of all such sweets or made wines and sweetened compounded spirits remaining in bond on the 24th day of June, 1839, and where bonded.

ALLEGED INSULT TO THE BRITISH FLAG.

LORD VISCOUNT INGESTRE. — Having been rather irregular, the other evening, in putting a question to the Honourable Baronet the Member for Sandwich, in reference to an outrage supposed to have been committed on the British flag in the Mexican seas, I beg, now, to inquire, either of that Honourable Member, or of the Honourable Gentleman the Secretary to the Admiralty, first, whether the Admiralty have received any official communication of the fact of that outrage having occurred? next, whether, supposing the statement contained in the newspapers to be true, the midshipman who is said to have been ordered by Commodore Douglas to be reprimanded, has received such reprimand? and whether, if he has so received it, the Board of Admiralty concurred in the propriety of it?

Mr. C. WOOD. — I conceive the Noble Lord to allude to a letter which appeared in the *Times* newspaper in the course of last week.

LORD INGESTRE. — I read the account of the outrage in question in the *Hampshire Advertiser*.

Mr. C. WOOD. — The material points of the statement are, — that shortly before the capture of Vera Cruz by the French, subsequent to the affair of the Express packet, and while her Majesty's ship Vestal was lying of Vera Cruz with a British sloop in company, — Captain Carter, of the Vestal, being senior officer, — an English boat from the sloop, under command of a midshipman, went on shore, and that a Mexican subject took refuge in the boat for protection, but was taken by force from thence by the French officer in command. The Admiralty, however, has received no account whatever of any such transaction, — because, as far as I can learn, no such transaction has taken place. My attention was first called to the subject by the question of the Noble Lord on a former evening. I at once perceived that, if the dates given with the statement in the *Hampshire Advertiser* were correct, it was utterly impossible that the transaction could ever have occurred, because, at the time named, the Vestal was not at Vera Cruz. She arrived there on the 28th of December, and this occurrence is said to have taken place on the 5th of that month. I could have wished to have stopped here, as this answer will, no doubt, be deemed satisfactory by the Noble Lord and the House; but, rather than lie under the imputation of concealing any circumstances of the case, actually known to me, I shall mention to the House some facts connected with it. For their accuracy, however, I cannot vouch, having received them second-hand, as I may say, from an officer whom I have not since been able to see on the subject. His statement is, that two British officers went out in a Mexican fishing boat to learn to catch turtles, when they chose to hoist the British ensign. This boat went among the French squadron, where the French guard boat was, when her commander took the Mexican out of the boat. Upon this, some representation was made by Captain Carter to the French admiral, who said he would communicate with the commodore. Whether that communication took place, or not, the Mexican who was taken out of the boat was set at liberty within twenty-fours. This I presume to be the foundation for the story which has appeared in the papers. Whether that statement be correct, or not, I cannot positively pronounce. If it be, it is clear the English officers were in the wrong in hoisting the English flag in a Mexican fishing boat; and, under such circumstances, no Mexican could have claimed the protection of that flag. The commodore has not thought it worth while to report this affair to the Admiralty at home; and the Noble Lord, who has been so recently afloat, must be well aware that many irregularities may

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occur on foreign stations, which may be quite fit to be animadverted upon and reported upon, but which ought not to be brought before the House of Commons.

LORD INGESTRE. — After the rebuke which the Honourable Secretary has given me for bringing the subject before the House, I beg leave to say that, having seen the account in the public newspapers, and, therefore, invested with some probability, I felt it my duty to take this step. In those accounts, it appears that a subordinate officer, for doing what he deemed his duty, has been reprimanded by his superior. Is that a proper way to keep up the discipline of the service? Hence it was that I put the question to the Honourable Gentleman, — the more especially since the present is the third instance of the kind reported to have occurred in that part of the world within six months. I am glad, however, to find that the Admiralty has received no account of such a transaction, and that further stain does not rest upon the British flag. I have been actuated by no party motives in putting the question, but merely the desire that a subordinate officer might not be unjustly reprimanded without public notice being taken of the fact.

SIR F. BURDETT. — I think the country should feel indebted to my Noble Friend for putting the question. The accounts referred to have appeared in very authentic public organs ——

[Cries of "Order!"]

I only wish to say that I trust no time will be lost by the Admiralty in making inquiry into the facts.

SHIPWRECKS.

Mr. G. PALMER. — I beg to know whether the Right Honourable Gentleman the President of the Board of Trade has turned his attention to the Report of the Committee on Shipwrecks made last week? and whether the Government will introduce any Bill this Session to carry out the recommendation of that Report?

Mr. POULETT THOMSON. — It is impossible for me to tell whether I can introduce any measure on the subject during the present Session. The Report of the committee has not yet been printed; and, previously to any measure being introduced, it will be necessary to have that Report circulated among Members of the House, and sent forth to the public. I cannot, therefore, give the Honourable Member any pledge; but I greatly doubt the possibility of introducing any measure during the present Session.

SHIPS OF WAR.

LORD INGESTRE. — I wish to know whether it is the intention of the Admiralty to build a line-of-battle ship on the plan of the late Admiral Gage?

ADMIRAL ADAM. — The only answer I can give the Noble Lord, is, that the subject is under the consideration of the Board of Admiralty.

SUMMARY JURISDICTION BILL.

Mr. W. MILES. — I wish to ask the Noble Lord the Secretary of State for the Home Department, when it is his intention to proceed with the Summary Jurisdiction Bill?

LORD J. RUSSELL. — I intend to proceed with it the week after next.

FACTORIES BILL.

Mr. FOX MAULE having moved the Order of the Day for going into committee on this Bill, —

Mr. WILSON PATTEN said: — I do not rise for the purpose of creating a discussion before the House goes into committee, but for the sake of obtaining information, by which my opinion, and the opinions of many other Honourable Members, will, I think, be influenced with respect to this Bill. They who have looked into it must have seen that extraordinary powers — greater powers than the local magistracy possess — are to be given to persons holding very subordinate situations under the inspectors; and those powers, I am convinced, will tend very much to injure the Bill in its operation. Now I wish to inquire of the Honourable Gentleman what salary he intends to give, under the new Bill, to each of the sub-inspectors? and whether he will consent to increase the number of inspectors, with a larger salary to each, and to do away with the sub-inspectors altogether? I am convinced that the master manufacturers, who consider themselves rather hardly dealt with by this Bill, are desirous that the inspectors should be per-

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sons of such authority as to be above suspicion of collusion with themselves or with any other party.

LORD STANLEY. — Before the Honourable Gentleman answers the question proposed by my Honourable Friend, perhaps I may be allowed to say, in conformity with the views entertained by my Honourable Friend and Colleague, who has just sat down, that I am satisfied the Government will find the working of this Bill much facilitated if they give a greater character of respectability — I do not mean mere personal respectability, but that which consists in weight and authority, also — to the inspectors, rather than adopt the plan of having sub-inspectors or superintendents. The inspectors, as at present constituted, have a most inquisitorial power — to say nothing of their legislative powers, — and the same powers are proposed to be given to the sub-inspectors. The master manufacturers by no means complain that such powers should be given; but they consider that powers of so peculiar a nature should be intrusted only to persons above all suspicion, not only on the score of moral character, but also with reference to their position, as indicated by the amount of salary paid to them. Of course, I do not mean to say that an increased salary will necessarily produce an increased respectability; but I do think it too much to hope that persons whose salary is only 350*l.* a-year (which is to cover their travelling and incidental expenses), would, by that salary, be placed beyond the reach of those temptations to bribery to which they will necessarily be exposed under the operation of this Bill. The manufacturers by no means desire to evade the inspection which the law deems necessary; but they do wish that it should be rendered more efficient. At present, the visits of the inspectors being only periodical, and remote from each other in point of time, they are without that efficient control which residence in the district and constant personal observation would give them. I hope the Government will listen to these suggestions; and even if the result be an increased amount of charge, that they will consent that, instead of a small number of inspectors, not resident in particular districts, and a large number of sub-inspectors with small salaries, there shall be an increased number of inspectors, resident in particular districts, to whom larger salaries shall be paid. Though the expense of the measure will be increased by the adoption of this proposition, its efficiency in operation will also be much increased. The opposition which Government will have to fear, will not be so much from the master manufacturers as from the natural feelings of the parents, — who will perceive that, by the restrictions imposed by the measure, many of their children will be prevented from adding to their means, and enabling them to eke out their weekly earnings. The only chance, then, of securing success for the measure, is by obtaining the cordial co-operation of the master manufacturers, — which is only to be done by showing them that the operation of the law, though stringent, will not be vexatious, and that they will not be constantly subjected to the inquisitorial interference of persons in a subordinate station. I have been thus particular in expressing my opinion, in addition to that of my Honourable Colleague, because the answer of the Government may very materially affect the spirit in which Gentlemen connected with the manufacturing interest may approach the consideration of the subject on the present occasion.

SIR GEORGE STRICKLAND. — Sir, the real complaint of the manufacturers is different from what has been stated by the Noble Lord; it is, that they should be subjected to what is called inspectors' law.

LORD STANLEY. — Hear, hear!

SIR GEORGE STRICKLAND. — I conceive that the means of remedying this objection would not consist, as the Noble Lord supposes, in increasing the salaries of the inspectors, but that that object would be much better attained by rendering it unnecessary for the inspectors to make any of the regulations in question, — in fact, by your laying down the law in the Act of Parliament, and then calling on the inspectors to put the law in execution, and see it obeyed. I would not give the inspectors power to make laws which, although, perhaps, good in themselves, must, from the source from which they spring, be objects of suspicion to the manufacturers. I hope the clause which gives these powers to the inspectors will be omitted in the Bill.

Mr. MARK PHILIPS. — Sir, *I think* that the argument of the Honourable Baronet is entitled to much consideration; but there is this to observe, — *that if the* law were laid down in the Act, and the interpretation of it left to the inspectors, the evil would only be renewed in another

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shape. In objecting to the appointment of the sub-inspectors, it is not the wish of the master manufacturers to elude that vigilance which the law thought it necessary to maintain; but they affirm that they ought not to be subject to be intruded upon in a manner that, by persons of character, honour, and respectability (of whom how many there are among them I need hardly say), would be very much deprecated. I beg distinctly to be understood as making no complaint whatever against the existing inspectors; I am merely looking at what might happen under the operation of this Bill. Appointments might be made that would be extremely vexatious to individuals. It is possible that persons might be hereafter appointed, whose claim to those appointments would partly be their practical knowledge of machinery, and of the operation of factories. These persons would have the right of admittance, at all times, to all parts of the factories; and what is there to hinder them from afterwards, in some way, taking advantage of secrets and improvements, the disclosure or the use of which might be highly advantageous to themselves, but most detrimental to the manufacturer? Great care ought to be taken by Parliament to insure these appointments being filled only by persons fully qualified to undertake such important trusts. I am decidedly for the appointment of resident inspectors, who could at all times obtain access to the factories. I will not, however, do more, now, than say that I join in the opinion as to the propriety of a remodelling of the plan for the appointment of sub-inspectors, which has been so well expressed by the Noble Lord.

Mr. FOX MAULE. — Sir, there was a great deal in what has fallen from the Honourable Gentleman, which would have been better discussed, when we come to the provisions of the Bill in committee. As to the question of the Honourable Gentleman opposite, with reference to the salaries of the sub-inspectors, the Honourable Gentleman will see, from the Bill itself, that we do not propose to touch, in it, upon the salaries, at all. It will be competent to the Honourable Gentleman to move to increase the salaries when that question shall come before the House in another shape. With regard, however, to the suggestion, that the sub-inspectors should not have the power of making regulations under the inspectors, I am so convinced, after a full investigation of the subject, of the necessity of their having that power, that I should be most unwilling, indeed, to give up the principle. It is extremely difficult for Honourable Gentlemen to steer between the master manufacturers, on the one hand, and the agitation in the country on this subject, on the other; but I certainly think that the best conclusion that could be arrived at, has been adopted in the Bill.

Mr. W. PATTEN. — May I ask the Honourable Member opposite, what is the number of sub-inspectors intended to be named?

Mr. FOX MAULE. — The number of sub-inspectors is not fixed in the Bill; and, as regards the salaries, the Honourable Gentleman can, if he think fit, move to increase the amount when the question shall come on, in considering the Estimates.

LORD STANLEY. — My objection is to the proposition, that there should be an unlimited number of sub-inspectors, each of them with an unrestricted power to inspect the factories. I think a preferable plan would be, to appoint one inspector for each district, with an adequate salary, who would maintain a complete inspection at all times.

Mr. BROTHERTON. — Sir, my wish is, that Government, in altering the Factory Act, could have made its provisions so simple as to preclude the necessity for there being so much inspecting. It would be much better to introduce such a Bill as would be agreeable to the feelings of all parties, and that would render all this expense unnecessary. It would be very easy to legislate in such a manner as would make the interests of the parents comport with the welfare of the children, and thus remedy the evil complained of by the Noble Lord.

LORD ASHLEY. — I should be very happy if anything could be done to meet the objections of the Honourable Member. I admit that the inspectors have, in many cases, proved a great annoyance, and that the uniformity of regulation which was hoped for, from the factory inspectors has been found unattainable. It has frequently happened, that after a system of regulations has been laid down, something has arisen rendering it necessary to alter them, and lay down new ones. I quite agree with the Noble Member for North Lancashire, in thinking it desirable that there should be greater respectability and responsibility on the part of those appointed to exercise such powers as are given by this Bill; and the Honourable

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Member will, no doubt, recollect that I suggested as much two years ago. My suggestion was, that the travelling expenses of the inspectors should be paid by way of mileage, because I thought that out of a salary of 800*l.* or 400*l.* a-year it was impossible to make the necessary number of visits. The observation of the Honourable Member for Salford is perfectly true as to the complicated state of the law on this subject. If we had only one restrictive clause preventing the working of the mills beyond certain hours, we might almost get rid of the inspectors altogether, and rest on the principle of Sir John Hobhouse's Act of 1825. As long as the present Act lasts, I trust there will not be a smaller number of inspectors than there is at present.

Mr. HINDLEY. — Sir, I see, by the notice paper, that several amendments are to be proposed with respect to reducing the hours of working in factories; and I wish to know whether it is the intention of the Government to resist those propositions?

Mr. FOX MAULE. — In reply to the Honourable Member, I beg to say, that I shall resist any alterations in the Bill as regards the age, or the time of working.

Order of the Day for a committee of the whole House, read.

On the question, "That the Speaker do leave the chair," —

LORD ASHLEY said: — I shall not detain the House more than two minutes, while I protest against the manner in which the progress of this Bill has been delayed. It was introduced on the 14th of February, and we have now arrived at the 1st of July before it has been committed. The consequence of this delay is, that the Bill cannot be discussed in such a satisfactory manner as I could wish, as, at this late period of the Session, the attention of the House is wearied, and also many Members, on whose assistance I relied in discussing this Bill, are prevented from being present. The Noble Lord, no doubt, has gained an advantage by this proceeding, which, I have no doubt, will tell against me in the division.

LORD JOHN RUSSELL. — I shall not detain the House, even one moment, by making any reply to the observations of the Noble Lord.

LORD ASHLEY. — I am not aware that I have said anything in any way uncourteous, to call forth such a reply from the Noble Lord. If I had done so, I would willingly apologise; but I did not expect such an answer from the Noble Lord.

The SPEAKER then left the chair, and the House resolved itself into committee.

The first clause was agreed to.

On the second (the interpretation) clause being put, —

Mr. BROTHERTON said: — Sir, it is my wish that this very important question should be discussed with calmness and moderation. This is a matter involving the interests of 400,000 persons employed in mills and factories. The object of the measure is, no doubt, to give protection to the children and young persons employed in the factories from excessive labour, and I give Government full credit for its intentions; and the only difficulty with me is, as to the means by which that end may be obtained, for I do not think that the provisions of this Bill will effect the object in view as satisfactorily as other means which might be adopted. I consider that the means proposed by me are better and more simple than those in the Bill; and in order that the committee may be able to judge of this, and of the nature of my amendment, I will endeavour, shortly, to give them an account of the various enactments which, at different intervals, have preceded the present Bill. In 1809, a Bill was passed to protect children under 16 years of age, enacting that they should not work more than twelve hours a-day. This was found insufficient, and great efforts were made to alter the Bill. It was proposed to extend the age to 21, and to reduce the time for labour. However, even so late as 1825, the Legislature could do no more than to reduce the time to sixty-nine hours a-week. In 1831 an Act was passed, by which the Legislature fixed the age for protection at 18, and declared the number of hours' work in a week should be fixed at sixty-nine. In 1833, the present Act was passed: by this, children under 18 were prevented working in factories for more than forty-eight hours a-week, or eight hours a-day; but above the age of 18 they might be employed any number of hours. It was also required that children, to be enabled to work in the factories, must produce certificates from their parents and surgeons; and provision was further made that they should go to school a certain number of hours in

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the week. By an extraordinary anomaly, however, these provisions did not extend to silk-mills,—for children of 6 years of age might be made to work in silk mills twelve hours a-day; while, according to the Act, children of 12 years of age could not be made to work more than eight hours a-day in a cotton mill. The details of the Act were so complicated, that they led to the commission of all sorts of frauds; and the consequence was, that the provisions of the Bill have not been fairly carried into effect. It is, in fact, a measure most objectionable to the masters, oppressive to the workmen, and does not afford protection to the children. To prove this, it will be only necessary to state that, last year, out of 4700 factories, 2074 individuals were convicted, and penalties recovered to the amount of 531*l.*; but, notwithstanding all their exertions, it is notorious that the inspectors cannot prevent the children or young persons being overworked. Mr. Horner and others of the inspectors have admitted that it is impossible to prevent the law being evaded; and it is well known that, in Nottingham and its neighbourhood, great numbers under the legal age are working sixteen hours a-day. It may be carried into effect, apparently, in some small places; but the truth is, that, on an extensive scale, it really does not afford protection to children under 13. It appears from the Returns before the House, that in 1835 there were 56,700 children under the age of 13 employed in factories, and the total number of children and young persons under the age of 18 was 354,684. The result of the return for last year was that the total number employed was 413,435 persons, and of those 32,464 were under the age of 13. Thus it would appear that the number of children employed under the age of 13, was as 1 in 6 at the first period, but last year the number would be as 1 in 12. In gross numbers, the difference between the number of children employed in 1835 and 1838 is upwards of 22,000. I would ask any Honourable Gentleman acquainted with the subject, whether he believes that anything like that number of children have been thrown out of work in the factories during these three years?

Again, in Scotland, in 1835, the number of children under 13 that were employed in the factories, was about 1 in 7, as compared with the total number of persons employed; but, at present, according to the Returns, the proportion is 1 in 32. There must surely be some deception in this. The great improvements that have been made in the machinery in the factories, within the last few years, have greatly diminished the amount of labour required of the adults; and I believe that I am not going beyond the mark, when I state that, in some branches of trade, the services of nearly one half the number of adults have been dispensed with since 1831. We find that these persons are kept immured in the factories for twelve hours — and more than twelve hours — a-day; and I ask, is it just, or expedient for the interests of the community, that any proportion of the workpeople should be kept so long at labour in the factories as to prevent them from obtaining any share in those humble enjoyments which are within their grasp? Of what use is it for you to make grants for educating the people, if you give them no time for study? By the long confinement in close atmospheres, these labourers are rendered almost incapable of enjoyment; and they have no means of cultivating their minds, or improving the slender education they may have received in childhood. The females, also, are not fit for their situations as wives and mothers, as they have no means of mental improvement. These evils are constantly increasing; and I believe that the only effective remedy that could be applied would be, to prevent the factories being worked more than a certain number of hours a-day. What I should propose would be, that there should be a uniform time for working for all persons in factories; and that all ages should be placed on the same footing, and the same principle applied to them. I also do not see why silk or lace mills should be exempted, and not be placed under the operation of the Act. I am told that there are many of these mills where the persons employed in them are engaged fourteen or fifteen hours a-day; and females go on at five o'clock in the morning, and are kept constantly at work there until nine o'clock at night, with the intermission of a few minutes for meals, which they are obliged to take within the walls of their factories, at a time when the machinery is cleaning. Only consider what a temptation there is for manufacturers breaking the law! Suppose a mill works 1000lbs. of cotton a-day, by working ten hours; by working an hour longer, it would turn out 1000lbs. more in the week. What I intend to propose in this clause is, that the age should be increased of the parties who are to come within the operation of the Act, namely, from 18 to 21. I am also most anxious that a ten hours' a-day system should be

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adopted for all the factories, as this is quite enough for man, woman, or child; and I think that, if it were made general, it might be done in a manner to prove satisfactory to the masters. I think that, by proper regulations on this subject, the trade of the country could be carried on with advantage; and I have no doubt that, if the occupation were confined to ten hours a-day, the employment in factories would be found to be healthy, instead of being unhealthy. I am not so alarmed for the situation of the country, that I would consent to sacrifice the interests of those persons, because it is against one of the dogmas of political economy. I shall conclude with proposing that the words "under the age of eighteen years" be struck out, and the words "under the age of twenty-one years" be substituted.

LORD ASHLEY.—I have great pleasure in supporting the amendment; and I beg to remind the House that a similar amendment was proposed, in the other House, in the Bill of 1833; but this House refused to agree to it. In all other cases the interest of persons under twenty-one years is protected, and I think that the interest of those who have only their labour to depend upon should be so likewise.

Mr. P. THOMSON.—Sir, the object of my Honourable Friend evidently is, to impose restrictions on the period of adult labour in factories, and to limit the period of work in mills to ten hours. If such restrictions were allowed, the effect would be, that those parties who are dependent on their labour would be deprived of so much of the means at their command. It may be said that this is the principle of the Bill, but that in it the Legislature proposes to protect the interests of those who cannot protect themselves; but no one will say, looking to the character of the working classes of this country, that those above the age of 18 are not in a situation to protect themselves. I confess that I think one of the evils of the factory system is, the making the children independent of their parents at too early an age. I hope the House will not consent to this amendment.

Mr. O'CONNELL.—In my opinion, as a general principle, it is inexpedient to interfere between the employer and the employed. The only principle contended for, now, is, the protection of the children. The law recognises that in the Court of Chancery. But if we are going to adopt the principle, we should do so to the full extent, and, as chancellors for the children, protect them to the age of twenty-one years.

Mr. MARK PHILIPS.—I think that, if such an amendment be adopted, it will introduce a great practical difficulty into the working of the Bill. It will prevent any persons under the age of 21 from attending in the factories at such times for the purpose of cleaning the machinery. This is necessary to be done two or three times a-week, and is generally done during meal times by young men, employed by the mill-owner, who will now be liable to a heavy penalty if he thus employ any one under the age of 21.

Mr. JOHN FIELDEN.—I am quite satisfied the masters will be better satisfied with the words "twenty-one years" than "eighteen," and the operatives, themselves, will also like it better.

Mr. BAINES.—So far am I from entertaining the opinion expressed by the Honourable Member for Oldham, that I think the masters will object to the alteration. I lately called together certain manufacturers in Yorkshire; and, having previously submitted to them the provisions of the Bill, I asked them whether there was any alteration in it which they could suggest? There was not a single individual who expressed anything like an objection to the present arrangement of eighteen years. I think that Parliament should make this Bill as agreeable as possible to the masters; but I do not think that any such end would be answered by the alteration suggested.

Mr. HINDLEY.—The question is, whether the people are to be worked more than twelve hours a-day? I think that that is quite enough, in a warm cotton mill. I shall certainly vote for the amendment.

Question put, "That the word 'eighteen' stand part of the clause."

The committee divided;—Ayes 87; Noes 44;—Majority 43.

AYES.

Ainsworth, P.	Byng, Rt. Hn. G. S.
Baines, E.	Canning, Rt. Hn. Sir S.
Baring, F. T.	Cavendish, Hon. G. H.
Barnard, E. G.	Childers, J. W.
Bewes, T.	Craig, W. G.
Bowes, J.	Curry, Mr. Serjeant
Broadley, H.	Dalmeny, Lord
Bruges, W. H. L.	Donkin, Sir R. S.
Busfeild, W.	Duff, J.

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undas, Sir R.	Peel, Rt. Hon. Sir R.
gerton, W. T.	Philips, M.
llis, J.	Philips, G. R.
erguson, Sir R. A.	Ponsonby, Hon. J.
ordon, R.	Price, Sir R.
raham, Rt. Hn. Sir J.	Price, R.
reene, T.	Richards, R.
rey, Rt. Hn. Sir G.	Rolfe, Sir R. M.
rosvenor, Lord R.	Rundle, J.
astie, A.	Russell, Lord J.
eathcoat, J.	Scarlett, Hon. J. Y.
inde, J. H.	Sheppard, T.
obhouse, T. B.	Slaney, R. A.
odgson, R.	Somerville, Sir W. M.
ope, G. W.	Stanley, Lord
oulsworth, T.	Stanley, Hon. W. O.
urt, F.	Stansfield, W. R. C.
ackson, Mr. Serjeant	Steuart, R.
ames, W.	Stewart, James
emble, H.	Surrey, Earl of
abouchere, Rt. Hon. H.	Teignmouth, Lord
	Thomson, Rt. Hn. C. P.
angdale, Hon. C.	Thornely, T.
ascelles, Hon. W. S.	Verner, Colonel
ister, E. C.	Villiers, Hon. C. P.
ockhart, A. M.	Wall, C. B.
ygon, Hon. General	Warburton, H.
acaulay, T. B.	White, A.
arsland, H.	Wilbraham, G.
orreys, Sir D. J.	Wilbraham, Hon. B.
'Brien, W. S.	Williams, W. A.
'Ferrall, R. M.	Wood, C.
almer, G.	Wood, G. W.
arker, J. (Shef.)	
arker, R. T.	*Tellers.*
atten, J. W.	Maule, Hon. F.
ease, J.	Stanley, E. J.

NOES.

Aglionby, H. A.	Hughes, W. B.
Alsager, Captain	Hume, J.
Attwood, W.	Humphery, J.
Baring, H. B.	Inglis, Sir R. H.
Blake, M. J.	Lincoln, Earl of
Corry, Hon. H.	Maunsell, T. P.
D'Israeli, B.	Miles, W.
Douglas, Sir C. E.	Norreys, Lord
Duncombe, Hon. W.	O'Connell, D.
Duncombe, Hon. A.	Packe, C. W.
Eliot, Lord	Pringle, A.
Estcourt, T. (Dev.)	Rushout, G.
Ewart, W.	Shirley, E. J.
Fielden, J.	Trench, Sir F.
Gaskell, J. M.	Vere, Sir C. B.
Grant, F. W.	Vigors, N. A.
Hale, R. B.	Waddington, H. S.
Halford, H.	Walker, R.
Harvey, D. W.	Wodehouse, E.
Heneage, G. W.	Yates, J. A.
Hepburn, Sir T. B.	
Hindley, C.	*Tellers.*
Hogg, J. W.	Ashley, Lord
Hope, Hon. C.	Brotherton, J.

Mr. HINDLEY. — Before proceeding further with the clauses, I wish to ask the Honourable the Under Secretary for the Home Department rather an important question. There is not, on the votes, any notice of a single alteration which he intends to make. I have seen, since I entered the House, a circular of the cotton spinners respecting these alterations. What I wish to know is, whether the Honourable Gentleman has altered his Bill in accordance with the views of these cotton spinners? or whether they have had the privilege of investigating the clauses?

Mr. FOX MAULE. — In answer to the Honourable Member, I beg to state that I have listened to the remarks of the cotton spinners, but they have not seen my Bill in its amended form.

Mr. M. PHILIPS. — I should like to set my Honourable Friend right. I can certainly state that the alterations were not shown to the deputation, nor have I seen a single copy of them until to-day.

LORD ASHLEY. — Sir, I have now to move an amendment, for the purpose of including silk factories in the operation of the Bill. There are 50,550 persons employed in silk factories, many of whom are young children, and are now employed ten hours, continuously, a-day. I think, also, that lace factories should be included.

Mr. POULETT THOMSON. — I have no objection to put the young persons employed in silk factories on the same footing as the children in other factories, so far as regards the number of hours; but I think it desirable that children should be allowed to enter these factories at an earlier age than in the case of other factories, in consequence of the longer training required for this manufacture. These factories were excluded from the old Act, because it was at that time a young manufacture in this country; and there are other circumstances which, in a manner, justify its being omitted. With regard to the lace factories, it would hardly be fair to include them until the masters have had some notice.

Mr. J. HEATHCOAT. — If the Noble Lord will take up that particular part of the question, — namely, that relating to lace factories, — next Session, I will willingly support the Noble Lord in extending the operation of the Act to that branch of the trade.

Mr. SLANEY. — Do I understand the Right Honourable Gentleman the President of the Board of Trade to accede to the suggestion of the Noble Lord?

Mr. POULETT THOMSON. — What I said was this, — that I had no objection to place the children in the silk factories on the same footing with children in other

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factories, so far as regards the hours of labour; but I added, that I could not extend the limitation of age, because, unless children be allowed to enter silk factories while very young, they cannot acquire that delicacy of touch which is essential to the kind of work they are engaged upon.

LORD STANLEY. — I am disposed to think it would be well to limit the age of children to nine years in the case of factories, whatever may be the "delicacy of touch" required in the silk manufacture. But, at the same time, if there be any difference of opinion on the point, I would recommend my Noble Friend not to press for the exclusion of the words from the interpretation clause, but consider his proposal on the third clause.

Mr. HUME. — At this time, when the silk trade is struggling for existence, it does appear to me very doubtful policy to interfere with it, — employing, as it does, many thousands of hands. You had a great deal better make bread cheap. When the Noble Lord talks about extending our humanity to the factory children, he would do well to remember that he voted against giving them cheap bread, and giving them education.

[Cries of "Hear!" and, "No!"]

If the Noble Lord did not vote against cheap bread, I am greatly mistaken.

[Cries of "Question!"]

Ay, it is very well for Honourable Gentlemen to ride off in that way, disregarding the interest of those who give employment to the labouring classes. For my part, I have always, from first to last, been against the Bill; and I am satisfied no good has yet resulted from it, compared with its evils. I should like to know whether the Noble Lord opposite has presented any petitions on this subject; for if he has, the House ought to be made acquainted with their nature, their allegations, and the parties from whom they have come. For my part, I think this is a gratuitous interference with the trade; and I am sorry to see the President of the Board of Trade so willing to entertain the consideration of it.

LORD ASHLEY. — I wish to say that it is a mistake to suppose that the manufacturers have not had notice; I gave notice of my intention several months ago. The Right Honourable Gentleman should recollect that lace factories were included in the Bill of 1833.

Mr. BROTHERTON. — I shall postpone my amendments till the Noble Lord's amendments to Clause 9. are disposed of.

Mr. W. S. O'BRIEN. — Are we, then, really to consign children under nine years of age to the slavery of a factory for another year? Talk of evidence! — I require no evidence to prove to me that children under nine years old ought not to be put to work, in any factory at all. Where is their time for education? Are they to receive no instruction at all? I shall vote, most cordially, for the amendment of the Noble Lord.

Mr. VILLIERS STUART. — I agree with the Honourable Member for Limerick, in his sentiments; but when he speaks of education, I would ask him what means the parents have of sending these poor children to school? The true mode of ameliorating the condition of these classes is to give them the necessaries of life at a cheaper rate; but that is forbidden by the law of the land. When these children ask for bread, you give them a stone.

Mr. SLANEY. — I put it to the Noble Lord, whether the object which both he and I have, in common, would not be more likely to be obtained by giving the Right Honourable Gentleman time to communicate with the manufacturers?

Mr. DARBY. — I think we should have some assurance from the Right Honourable Gentleman that he will communicate with the manufacturers between this time and the bringing up of the Report.

Mr. POULETT THOMSON. — I have stated that I am not now prepared to admit this clause; that the parties have not had any notice, except that which is on the notice book. Neither am I prepared to negative the proposition of the Noble Lord. What I wish for is, that the parties should have time, and I will certainly communicate with them.

Mr. MARK PHILIPS. — I am not sufficiently acquainted with the details of the woollen manufactures of Yorkshire, to know whether that trade will be affected, or not, by the word "cutting" in the eleventh line of the clause. I beg leave to ask this question; and also whether any communication has been received from the trade on that point?

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Mr. FOX MAULE. — I am happy to state, for the satisfaction of the Honourable Gentleman, that my attention was called to this point; and not being better acquainted with the technicalities of this trade than the Honourable Gentleman himself, I referred the question to competent persons, and I am assured that the trade will not be affected by the word to which the Honourable Gentleman has alluded.

The clause was then agreed to.

Clause 3. "Children under the age of nine years, not to work in factories."

On this clause being put, —

LORD ASHLEY said:—I beg to move, as an amendment, to leave out the words "not being in a silk factory."

Mr. BAINES. — I should not be discharging my duty, if I did not submit to the House the considerations which have been urged by the manufacturers on this point. They say that children under nine years of age are frequently running about, and contracting bad habits, in the streets; that if you employ them — under proper superintendence — in factories, you do them a benefit. They say, if a child under nine years be employed, he is at the same time receiving education. Under these circumstances, they are of opinion that it would tend much to advance the interests of humanity, that children should be employed at eight instead of nine years, and that thereby they would gain the opportunity of being educated in the factory schools. With these representations, they couple the proposal that children under nine should not work more than six hours a-day; and they conceive that, by this plan, both the children and their parents would be benefited. I submit this proposal to the House, but without any intention of dividing; and I beg to propose that the blank be filled up with the word "eight."

Mr. SLANEY. — I trust the Noble Lord will interfere, and oppose the proposition of the Honourable Member for Leeds, which, if carried, would take out of the protection of the law a vast number of children — those under nine years old — who are now protected from working in factories. The question is, simply, whether children of such tender age ought not to be protected by law against the rapacity of their own parents? for the evidence before the House shows that such has been the lamentable neglect of education, and such the depravity of feeling, in some districts, that those who ought to be the natural guardians of the children, are the first to impose labour upon them beyond their strength. I do trust the House will never sanction the principle of children under nine years of age being tasked with the labour of a factory. As to what has been said with respect to steam and water mills, I will merely ask, what is the difference between steam and water, that we should not award an equal share of protection to the children who work in machinery moved by both powers? For my own part, I trust the shield of the law will be thrown alike over all.

LORD VISCOUNT MORPETH. — I can corroborate the testimony of the Honourable Member for Leeds; but I think, if he takes into consideration the feeling which prevails throughout this House, an the impossibility of legislating in a different way for every branch of the trade that may put in its particular claims, he will not object to withdraw his amendment; and I am perfectly willing to take upon myself any responsibility that may arise from not dividing the House upon it.

The committee then divided on the question, "That the words proposed to be left out stand part of the clause:" — Ayes 49; Noes 55; — Majority 6.

AYES.

Adam, Admiral	Parrott, J.
Ainsworth, P.	Philips, M.
Baines, E.	Philips, G. R.
Bannerman, A.	Pigot, D. R.
Barnard, E. G.	Price, Sir R.
Chapman, Sir M. L. C.	Rich, H.
Craig, W. G.	Rundle, J.
Donkin, Sir R. S.	Russell, Lord J.
Dundas, Sir R.	Stanley, Hon. W. O.
Egerton, W. T.	Stansfield, W. R. C.
Elliot, Hon. J. E.	Steuart, R.
Fenton, J.	Stewart, James
Finch, F.	Thomson, Right Hon. C. P.
Hastie, A.	Thornley, T.
Heathcoat, J.	Villiers, Hon. C. P.
Hobhouse, T. B.	Walker, R.
Hoskins, K.	Warburton, H.
Howick, Lord Viscount	Wilbraham, G.
Lister, E. C.	Williams, W. A.
Macleod, R.	Wood, Sir M.
M'Taggart, J.	Wood, G. W.
Morpeth, Lord Visct.	Yates, J. A.
O'Ferrall, R. M.	
Parker, J.	
Parker, R. T.	*Tellers.*
Parnell, Right Hon. Sir H.	Brocklehurst, J.
	Maule, Hon. F.

NOES.

Acland, T. D.	Bewes, T.
Aglionby, H. A.	Brotherton, J.
Alsager, Captain	Bruges, W. H. L.

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Butler, Hon. Colonel	Norreys, Lord
Canning, Rt. Hon. Sir S.	O'Brien, W. S.
Cavendish, Hon. G. H.	Patten, J. W.
Cayley, E. S.	Pease, J.
Colquhoun, J. C.	Plumptre, J. P.
Courtenay, P.	Polhill, F.
Darby, G.	Pringle, A.
Duncombe, Hon. W.	Pusey, P.
Eliot, Lord	Richards, R.
Ellis, J.	Round, J.
Ewart, W.	Sheppard, T.
Fielden, J.	Slaney, R. A.
Fleetwood, Sir P. H.	Stanley, Lord
Gaskell, J. M.	Style, Sir C.
Halford, H.	Talfourd, Mr. Serjeant
Hinde, J. H.	Teignmouth, Lord
Hodges, T. L.	Thompson, Alderman
Hodgson, R.	Vere, Sir C. B.
Hughes, W. B.	Vigors, N. A.
Humphery, J.	Wakley, T.
Jackson, Mr. Serjeant	Wilbraham, Hon. B.
Kemble, H.	Williams, W. (Cov.)
Langdale, Hon. C.	*Tellers.*
Lockhart, A. M.	Ashley, Lord
Marsland, H.	Hindley, C.
Morris, D.	

The clause, as amended, was then agreed to.

Clause 4. ("No child to be employed (except in silk factories) without a surgical certificate") agreed to, with amendment.

Clause 5. "Children not to work more than forty-eight hours weekly, or nine hours daily."

On the question being put, to leave out the words "not being a silk factory,"—

Mr. BROCKLEHURST said: — I move that the clause be postponed.

Mr. F. MAULE. — As the committee has affirmed the principle of this amendment in Clause 3., I think that we ought to make the rest of the Bill uniform.

Mr. P. THOMSON. — I take the liberty of putting it to my Honourable Friend, whether he will gain anything by postponing the clause? If he have good grounds to show the House why the decision to which they have lately come should be altered, he can propose an amendment at another stage.

Amendment accordingly withdrawn.

Question put, to fill up the blank with the words "forty-eight." — Agreed to.

On the question being put, to fill up the blank with the word "nine," —

Mr. BROCKLEHURST said: — I move, as an amendment, that the word "ten" be substituted for "nine."

Mr. F. MAULE. — The effect of that would be to make all children work for ten hours a-day, and I shall certainly oppose the amendment.

Mr. MARK PHILIPS. — It would open the whole question again.

Amendment withdrawn; Clause agreed to.

Clause 6. ("Children not to work more than ten hours daily in silk factories") struck out.

Clause 7. "Children not to be employed in more than one factory on the same day."

On this clause being put, —

LORD ASHLEY said: — I presume there will be no objection to add the provision, here, that no child shall work at night in any factory. It is perfectly clear, by the tenth clause, that such is the intention; but it may be as well to add the words here.

Mr. FOX MAULE. — I think it would be better to allow this clause to stand as it is, and let the Noble Lord's object be effected by the tenth clause.

The clause was then agreed to.

Clause 8. ("No young person to work more than forty-eight hours weekly, or nine hours daily, without surgical certificate") — agreed to.

Clause 9. "Or more than sixty-nine hours weekly, or twelve hours daily."

On this clause being put, —

LORD ASHLEY said: — This will be, I think, the most favourable opportunity for me to move the amendment of which I have given notice. It is not my intention to detain the House long; for, at this period of the Session, and in the present state of the House, it would be almost impossible to sustain any lengthened debate on the subject; — nor could I hope to be supported by all those friends, for whose assistance I might have looked under more favourable circumstances. Nevertheless, I cannot find it in my heart to let this opportunity go by without asserting the principles which

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I have so long contended for, and stating the opinions which I have so long entertained. It is no new principle that I ask for; because the House, in the year 1816, assented to a Bill (which went through a first and second reading), wherein the hours of labour were limited to ten hours and a half. That Bill was introduced by the father of my Right Honourable Friend the Member for Tamworth, and would have gone up to the House of Lords but for the sudden and unexpected termination of the Session. But if ten hours and a half were then thought sufficient, how much more requisite is it to fix that as the limit, now, when it is notorious that labour has increased, and presses with tenfold severity on the operative classes? I attempted to reassert the same principle in 1832 and 1833. No change has yet been effected; yet the motives for introducing it, now, are doubly powerful, — looking to the great mass of evidence which has been collected with respect to the moral and physical evils endured, exhibiting an increase of suffering and mortality unprecedented in any other country. Let me point out the vast numbers of persons engaged in manufacturing labour. By a late Return it appeared that the population employed in these mills amounted to 419,590, — of which 242,296, or 57¾ per cent., were females. Between the age of 13 and 18, — the period to which my amendment extends, there were 98,174, — of whom 56,792 were females, being considerably more than half. Now, the age of 13 for a female is very critical; and with respect to their mental and moral improvement, Mr. Inspector Horner says, "I restricted myself to children of 13 and 14 years of age, who, by working twelve hours a-day, could have no time for their mental and moral improvement." Unless, therefore, the House are prepared to maintain that, after the age of 13, young women have nothing further to acquire in the way of mental, moral, and religious improvement, they must agree to my proposition to shorten their hours of labour, so as to afford them a better opportunity than they now enjoy for attaining some degree of education. I have often, in this House, heard expressions of an anxiety to limit the period of labour, provided that could be done with benefit to the working population; but the great obstacle to the limitation of labour in this country, it is constantly asserted, is, the existence of the corn laws. The corn laws, it is said, necessarily give rise to long hours of labour. But is it really so? Do we find shorter hours in other parts of the world, where no corn laws exist? Quite the reverse. I hold in my hand a series of Returns, from which Ministers, at least, cannot dissent, these having been furnished by their own officers, exposing the whole system of the cotton manufacture in all parts of Europe, as connected with the state of the handloom weavers in this country. The necessary inference from the *data* thus supplied, is, that the abolition of the corn laws, so far from abridging, would rather extend the hours of labour. What are the hours on the Continent, where no corn laws exist? In Argovia, the hours in the cotton mills are 12½; no children under 14 being admitted. In Zurich, the hours of actual labour are 13 per diem. In Austria, they vary from 15 to 17; and, with regard to Austria, I may observe that these same Gentlemen reported, that cries of complaint were heard from all parts of the empire, and there was reason to suppose that they had reached the ears of the Emperor, and a remedy would be applied shortly. Why, even in Mr. Kennedy's factories, in the Tyrol, the hours are from 13 to 14 a-day. In Alsace, 13 to 14; Lyons, 12 to 15; Normandy, 80 to 84 per week; Elbœuf, 13½ hours actual work; and in Belgium, always quoted as our greatest and most formidable rival, the hours are, generally, 13 daily; and at present — the Report is dated March, 1839 — they vary from 14 to 15, — the commissioners adding this most important statement, that "the cheapness of labour" in Belgium — which is held out to us *in terrorem* — "is overstated; and that while combinations are on the increase among foreign workmen, the rate of wages, &c. is approximating to the English." In no one of those countries do corn laws exist; and therefore it is impossible to maintain that there is any necessary connection between the corn laws and long hours of labour. But there is another country always held up as a very formidable rival — Prussia. What was the course lately adopted there? That great and good prince, who always takes the lead in everything which affects the welfare of his people, — the King of Prussia, — has lately issued an ordinance, limiting the hours of labour in the factories throughout his dominions to the period for which I have contended during so many years of my life — ten hours a-day. And with credit be it spoken of the master manufacturers of Elberfeldt, the proposition first came from them, in the shape of a petition to the King; who replied, that their prayer was so entirely in accordance with his own wishes, that he should certainly grant it; adding, how-

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ever, that a principle so good should not be confined to one district, but should extend over the whole length and breadth of the kingdom. Sir, I do not wish to detain the House with details on this question; I will therefore content myself with resting my motion on the assertion that labour by children and persons of tender years, since 1816, when the House sanctioned the principle for which I contend, has greatly increased, bringing along with it a vast and alarming increase of suffering and mortality; and holding myself ready, if called on, to prove this statement by most indubitable authorities. At present, I will merely move that the blank in the clause be filled up by "fifty-eight," instead of "sixty-eight."

Mr. EWART.—I consider that the references of the Noble Lord to the corn law question were entirely fallacious, and that he has by no means given a satisfactory answer on that subject. About competition, the Noble Lord has said nothing; and I would merely ask him whether he gravely means to assert that, with cheap food, we could not better compete with foreign manufacturers? Still, I shall vote with the Noble Lord, in order to afford the female population, of a tender age, a better opportunity of obtaining mental and moral improvement.

LORD ASHLEY. — I am happy to put up with the scolding of the Honourable Gentleman, as I get his vote with it.

Mr. FOX MAULE. — The Noble Lord has attributed the disease and mortality that exist in the manufacturing towns, to excessive work. If the Noble Lord would go more deeply into the subject, he would find numerous other grounds, besides increased labour, for increased mortality. Mr. Horner describes the places of residence of the working classes as quite a sufficient cause for the increase of disease and mortality. Did it never occur to the Noble Lord to inquire whether the same disease and mortality prevail abroad as well as at home? or does the Noble Lord suppose that children born in Britain are less able to endure labour than the children of foreigners? If the committee give way to the proposition of the Noble Lord, they will most seriously endanger our competition in foreign markets with those who are already treading close upon our heels. The manufacturers of this country have to compete with foreigners, with whom the children are never worked below twelve hours and a half a day. As this subject has been so frequently discussed, I will not trouble the committee farther than to express a hope that they will reject the proposition of the Noble Lord.

Mr. VILLIERS STUART.—The Noble Lord has entirely misapprehended the argument about the corn laws. The Noble Lord said he saw no connection between long hours of labour and the corn laws. Why, the limitation of any exchangeable commodity produces a redundancy of labour, and renders it necessary that the labourer should work a greater number of hours to procure the necessary amount of food. The corn laws thus limit the field of labour in this country; and I believe that if those laws were repealed, the condition of the manufacturing labourer would be very much improved.

Mr. CAYLEY. — The real gist of this question has nothing to do with the corn laws. The medical and other evidence has proved that human nature at that age cannot possibly sustain itself under the circumstances in which it is placed. The question is one of humanity, and of humanity alone.

Mr. BAINES.—The Noble *Lord* seems to think that the manufacturers are in a condition to abate 20 per cent. of the labour of their workmen. I can assure the Noble Lord that neither the manufacturers nor the workmen are in a state to make such an abatement. The Noble Lord and others may talk of humanity, but such an abatement would be felt cruelly in every family and manufactory throughout the country. You must take off the corn laws, if you wish to abridge the hours of labour; but I can assure the committee, that if they carry the Noble Lord's proposition *into effect*, it will lead to the utter ruin of the manufacturer, and to the entire derangement of all manufacturing pursuits.

Mr. M. PHILIPS. — It appears to me that a worse opportunity could not be selected for bringing forward this question than the present, and for this reason:— Adverse circumstances have reduced the manufacturers to the necessity of working short time, without their being *compelled* by any legislative enactment to take that course; and I am sadly afraid, before many weeks are over, the *condition of* the labourer and of the manufacturer will be extremely deplorable. If you reduce the hours of labour, there must be a corresponding reduction in the remuneration given. I believe that many persons are misled in their advocacy of short hours of labour; and I am convinced that much

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misery would be the inevitable consequence of adopting such a system. It is perfectly impossible that the manufacturers can pay the wages they pay at present, if you lessen the amount of labour that is given for those wages. My own opinion is, that if you legislate on this subject upon the score of feelings merely, you will expose the manufacturing industry of this country to ruin. As a practical man, I feel compelled to bow to circumstances which cannot be controlled, and I must therefore vote against the Noble Lord's proposition.

Mr. BROTHERTON. — It appears to me, Sir, that human nature on the Continent is much the same as it is here. We are all anxious to get rich as fast as possible. It has been said, that if we were to abolish the corn laws, no legislation would be necessary with regard to factories; but I am of a different opinion. If you diminish the hours of labour, I admit that you will increase the price of production, unless wages be reduced; and the labourers in this country cannot at present bear any reduction in their incomes, without suffering severely. The labourers on the Continent have many advantages from the cheapness of articles of necessity; but here, if any tax is to be raised, you increase the labour of the manufacturers; and if you want to compete with foreigners, instead of reducing the price of bread, and other articles of consumption, you would increase the labour. My reason for voting for a reduction of the hours of labour is, that we may come to the point sooner. Taxation must be reduced, — the corn laws must be repealed, — the people must be made more happy and comfortable, and must have time to improve their minds. Do you believe that people are sent into this world to labour from the cradle to the grave, without any relaxation of any kind? I may be voting at the wrong end, but I trust that it will bring the question to an issue sooner.

Mr. O'CONNELL. — Sir, I should have been very glad if the Noble Lord had commenced his career of philanthropy by inducing his class to sacrifice their own individual interests, by giving the people cheaper bread. The corn laws are good for nothing to the landlords, if they do not make bread dear. But I merely rose to protest against that part of the speech of the Noble Lord, in which he eulogised the King of Prussia as a man of the finest feelings. Now, would the Noble Lord wish to see a king of this country lay hold of two archbishops? and how would the Noble Lord relish seeing one of these imprisoned in a fortress for two years, without trial or investigation? The Noble Lord would not eulogise any sovereign of this country, who should so treat the Archbishops of Canterbury and York. But there was no occasion at all to introduce the subject.

LORD ASHLEY. — If the Archbishops of Canterbury and York had acted as the two archbishops alluded to by the Honourable and Learned Member had done, I should have considered that they were treated precisely as they ought to be, if my Sovereign had followed the example of the King of Prussia.

[Laughter, and cries of "Hear, hear!"]

Mr. O'CONNELL. — The sole crime of the two archbishops was — that of being quite consistent with their principles, and maintaining that discipline which it was their sworn duty to maintain. The conduct of the King of Prussia towards them was, therefore, doubly tyrannical.

LORD J. RUSSELL. — Perhaps I may now be allowed to make one observation on the question itself. It seems to me that the Noble Lord has not answered the question put by my Honourable Friend the Member for Wolverhampton, — namely, whether, having reduced the hours of labour, the Noble Lord can provide at the same time that the same remuneration shall be given for the shortened hours of labour? Does the Noble Lord mean to carry his principle to the extent of fixing wages by law? or does he not? If he do mean to do so, the committee know, of course, the impossibility of adopting such a course; and if he do not, the committee must equally know, that whatever shortens the hours of labour, and, with the present high price of provisions, reduces the rate of wages, instead of being a proposition of humanity, would be a proposition of the greatest inhumanity. Therefore, as I think the proposition, if carried into effect, would be cruel in its operation, I must vote against it.

LORD ASHLEY. — There is nothing in my proposition which goes to the extent of defining the amount of wages. As to the question of the Honourable Member for Wolverhampton, I must say that I do not entertain the same apprehensions as that Honourable Gentleman; because, in 1818 and 1819, when the hours of labour were limited, precisely the same arguments were used. It was then said,

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that if we reduced the hours of labour, we must reduce the amount of wages, and thus occasion great consequent misery to the manufacturers. What was the result? The hours of labour were greatly reduced by the Bill of 1819; but were the wages reduced? Not in any one single respect. They continued at the same amount for four years afterwards, and were reduced from other causes. It was found, also, that the reduction of the hours did not lead to any diminution of production.

Mr. PEASE. — All practical men know that, when the hours of labour are shortened, the children are over-driven to keep up the amount of production.

Mr. SLANEY. — I regret, on this occasion, to be obliged to give my vote against the Noble Lord. The Noble Lord quotes an instance in which the hours of labour were reduced, yet no diminution took place in the receipts for wages; but then he ought to consider that the circumstances of that period and those of the present are very different. I feel bound to oppose the amendment.

Mr. JOHN FIELDEN. — If the Ten Hours' Bill of 1833 had been passed, the manufacturers would have been in a much better condition than they are at present.

The committee then divided on the question, "That the blank be filled with sixty-nine: — Ayes 94; Noes 62; — Majority 32.

AYES.

Adam, Admiral	Grote, G.
Ainsworth, P.	Handley, H.
Alcock, T.	Hastie, A.
Bailey, J.	Hawes, B.
Baines, E.	Heathcoat, J.
Bannerman, A.	Hobhouse, Right Hon. Sir J.
Barnard, E. G.	Hobhouse, T. B.
Bewes, T.	Hoskins, K.
Blackett, C.	Howick, Lord Visct.
Blair, J.	Hurt, F.
Busfeild, W.	Knight, H. G.
Cavendish, Hon. G. H.	Labouchere, Rt. Hon. H.
Chapman, Sir M. L. C.	Langdale, Hon. C.
Craig, W. G.	Lascelles, Hon. W. S.
Donkin, Sir R. S.	Lennox, Lord A.
Douglas, Sir C. E.	Lister, E. C.
Dundas, Sir R.	Loch, J.
Egerton, W. T.	Macleod, R.
Elliot, Hon. J. E.	M'Taggart, J.
Ellis, W.	Marsland, H.
Evans, W.	Marton, G.
Fenton, J.	Morpeth, Lord Visct.
Ferguson, Sir R. A.	O'Brien, W. S.
Finch, F.	O'Ferrall, R. M.
Graham, Rt. Hn. Sir J.	Parker, J.
Greene, T.	Parker, R. T.
Grey, Rt. Hon. Sir G.	Parnell, Rt. Hn. Sir H.
	Parrott, J.
	Patten, J. W.
	Pease, J.
	Philips, M.
	Philips, G. R.
	Pigot, D. R.
	Price, Sir R.
	Rich, H.
	Roche, W.
	Russell, Lord J.
	Russell, Lord C.
	Rutherfurd, Rt. Hn. A.
	Scarlett, Hon. J. Y.
	Scrope, G. P.
	Seymour, Lord
	Slaney, R. A.
	Stanley, Hon. E. J.
	Stanley, Lord
	Stanley, W. O.
	Stansfield, W. R. C.
	Steuart, R.
	Stewart, James
	Stock, Dr.
	Surrey, Earl of
	Thomson, Rt. Hn. C. P.
	Thornely, T.
	Turner, W.
	Villiers, Hon. C. P.
	Walker, R.
	Wallace, R.
	Warburton, H.
	White, A.
	Wilbraham, G.
	Wilbraham, Hon. R.
	Williams, W. A.
	Winnington, T. E.
	Wood, C.
	Wood, Sir M.
	Wood, G. W.
	Yates, J. A.
	Tellers.
	Brocklehurst, J.
	Maule, Hon. Fox

NOES.

Acland, T. D.	Lockhart, A. M.
Aglionby, H. A.	Lowther, J. H.
Alsager, Captain	Lygon, Hon. General
Broadley, H.	Maunsell, T. P.
Brotherton, J.	Miles, W.
Bruges, W. H. L.	Miles, P. W. S.
Buller, Sir J. Y.	Morris, D.
Canning, Rt. Hn. Sir S.	Noel, Hon. W. M.
Cayley, E. S.	O'Connell, D.
Courtenay, P.	O'Connell, John
Darby, G.	Owen, Sir J.
Dick, Q.	Plumptre, J. P.
Duncombe, Hon. W.	Polhill, F.
Du Pre, G.	Pusey, P.
Eastnor, Lord Visct.	Rae, Rt. Hon. Sir W.
Eaton, R. J.	Richards, R.
Eliot, Lord	Round, C. G.
Ellis, J.	Round, J.
Ewart, W.	Sheppard, T.
Gaskell, J. M.	Smith, A.
Grimsditch, T.	Style, Sir C.
Grosvenor, Lord R.	Talfourd, Mr. Serjeant
Halford, H.	Teignmouth, Lord
Hall, Sir B.	Thompson, Alderman
Heneage, G. W.	Vere, Sir C. B.
Hinde, J. H.	Vigors, N. A.
Hodges, T. L.	Wakley, T.
Hope, Hon. C.	Welby, G. E.
Hughes, W. B.	Williams, W.
Jervis, S.	
Kemble, H.	*Tellers.*
Knatchbull, Rt. Hon. Sir E.	Ashley, Lord
	Fielden, J.

The clause was then agreed to.

Clause 10. "Children and young persons not to work in the night."

Agreed to.

Clause 11. "Exception for recovering lost time."

On this clause being put, —

Mr. MARK PHILIPS said: — I move, as an amendment, in the second line, after

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the word "wholly," to insert the words, "or partially."

On the question being put, —

Mr. FOX MAULE said: — The effect of that would be, that there would be no end to the questions of loss that would arise.

Mr. JOHN FIELDEN. — I think this clause ought to be omitted altogether.

Mr. FOX MAULE. — There may, perhaps, be some difficulty as to this clause; still, I do not think there is any justice in making the proprietor of the factory suffer for what he cannot control. If the proprietor could control the course of the water, and regulate the flood, I should say this clause ought to be omitted. I, however, do not see the necessity for the introduction of the word "partially," as proposed.

LORD STANLEY. — The Honourable Gentleman admits, that where there is a stoppage of water which prevents the working of the machinery, — the machinery being moved wholly by water power, — the proprietor ought to have the lost time made up to him: then, why should he not be equally entitled to compensation when a stoppage takes place in his machinery — if he have a small steam engine to assist the water power?

Mr. AGLIONBY. — You say it is not just to punish the manufacturer for that which is the fault of the elements; then, where is the justice of punishing the child? The principle on which this Bill proceeds, is, that the working hours in each week shall be limited to forty-eight; but this clause provides that the child shall be employed to make up that loss, which is not occasioned by him, by working fifty-one hours in the week. That is a deviation from the principle on which the Bill proceeds.

Mr. GOULBURN. — As the clause now stands, the lost time can only be recovered at the rate of three hours a-week, — and it is to provide against a casualty that will but seldom occur. I do not think it can with reason be objected to.

LORD STANLEY. — I would add, too, that although the week's work may be increased by three hours, the *maximum* of labour in each day will be the same. The only difference will be this, — that instead of working three hours on the Saturday, the children will be liable to work during six hours on that day till the lost time shall have been made up.

The committee then divided upon the question, "That the words 'or partially' be there inserted:" — Ayes 48; Noes 106; — Majority 58.

AYES.

Ainsworth, P.	Lascelles, Hon. W. S.
Bailey, J.	Lennox, Lord A.
Bainbridge, E. T.	Lister, E. C.
Bruges, W. H. L.	Loch, J.
Busfeild, W.	Marsland, H.
Cavendish, Hon. G. H.	Morris, D.
Duncombe, Hon. A.	Parker, R. T.
Eastnor, Lord Visct.	Patten, J. W.
Egerton, W. T.	Philips, G. R.
Ellis, J.	Pusey, P.
Ellis, W.	Round, C. G.
Fenton, J.	Rundle, J.
Finch, F.	Scarlett, Hon. J. Y.
Forester, Hon. G.	Scrope, G. P.
Gordon, Hon. Captain	Sheppard, T.
Graham, Rt. Hn. Sir J.	Stanley, Lord
Greene, T.	Stansfield, W. R. C.
Grimsditch, T.	Turner, W.
Handley, H.	Walker, R.
Hastie, A.	Wilbraham, Hon. B.
Heathcoat, J.	Williams, W. A.
Hindley, C.	Yates, J. A.
Hope, Hon. C.	
Hope, G. W.	*Tellers.*
Hoskins, K.	Philips, M.
Houstoun, G.	Wood, G.

NOES.

Acland, T. D.	Gladstone, W. E.
Adam, Admiral	Gordon, R.
Aglionby, H. A.	Grey, Rt. Hn. Sir G.
Archdall, M.	Grosvenor, Lord R.
Ashley, Lord	Grote, G.
Baines, E.	Halford, H.
Bannerman, A.	Hall, Sir B.
Barnard, E. G.	Hawes, B.
Blackstone, W. S.	Heneage, G. W.
Blair, J.	Hinde, J. H.
Blake, W. J.	Hobhouse, Rt. Hon. Sir J.
Broadley, H.	Hobhouse, T. B.
Brotherton, J.	Hodges, T. L.
Buller, Sir J. Y.	Hodgson, R.
Burrell, Sir C.	Hutt, W.
Chalmers, P.	Kemble, H.
Childers, J. W.	Labouchere, Rt. Hon. H.
Chute, W. L. W.	Langdale, Hon. C.
Clay, W.	Lowther, J. H.
Collins, W.	Macleod, R.
Colquhoun, J. C.	Mahon, Lord Viscount
Craig, W. G.	Marton, G.
Curry, Mr. Serjeant	Maule, Hon. Fox
Davies, Colonel	Maunsell, T. P.
Douglas, Sir C. E.	Mildmay, P. St. John
Duncombe, T.	Miles, W.
Duncombe, Hon. W.	O'Brien, W. S.
Dundas, Sir R.	O'Connell, Daniel
Eaton, R. J.	O'Connell, John
Eliot, Lord	Palmer, G.
Evans, W.	Parker, J.
Ewart, W.	Parnell, Rt. Hn. Sir H.
Fielden, J.	Parrott, J.
Ferguson, Sir R. A.	
Fleetwood, Sir P. H.	

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Pattison, J.
Pigot, D. R.
Plumptre, J. P.
Ponsonby, Hon. J.
Power, James
Price, Sir R.
Rae, Rt. Hn. Sir W.
Rich, H.
Rolfe, Sir R. M.
Round, J.
Rushout, G.
Russell, Lord J.
Rutherfurd, Rt. Hn. A.
Shirley, E. J.
Sinclair, Sir G.
Slaney, R. A.
Smith, A.
Smith, R. V.
Stanley, Hon. E. J.
Stanley, W. O.
Steuart, R.
Stewart, James
Stock, Dr.
Style, Sir C.
Surrey, Earl of
Talfourd, Mr. Serjeant
Teignmouth, Lord
Thomson, Rt. Hn. C. P.
Thompson, Alderman
Vere, Sir C. B.
Vivian, J. H.
Wakley, T.
Wallace, R.
Warburton, H.
Wilbraham, G.
Williams, W.
Winnington, T. E.
Wood, Sir M.
Young, J.

Tellers.
O'Ferrall, R. M.
Seymour, Lord

Some verbal amendments were then agreed to; and the committee divided upon the question, "That the clause, as amended, stand part of the Bill:" — Ayes 112; Noes 40; — Majority 72.

AYES.

Adam, Admiral
Ainsworth, P.
Anson, Hon. Colonel
Attwood, T. (Birm.)
Bailey, J.
Baines, E.
Bannerman, A.
Barnard, E. G.
Berkeley, Hon. H.
Blake, W. J.
Broadley, H.
Bruges, W. H. L.
Buller, C.
Busfeild, W.
Cavendish, Hon. G. H.
Chalmers, P.
Childers, J. W.
Chute, W. L. W.
Clay, W.
Colquhoun, J. C.
Davies, Colonel
Douglas, Sir C. E.
Duncombe, T.
Dundas, Sir R.
Eastnor, Lord Visct.
Egerton, W. T.
Ellis, W.
Evans, W.
Fenton, J.
Ferguson, Sir R. A.
Ferguson, R.
Finch, F.
Gordon, R.
Graham, Rt. Hn. Sir J.
Greene, T.
Grey, Rt. Hon. Sir G.
Grimsditch, T.
Grote, G.
Halford, H.
Hastie, A.
Hawes, B.
Heathcoat, J.
Hobhouse, Right Hon. Sir J.
Hobhouse, T. B.
Hodges, T. L.
Hope, Hon. C.
Hope, G. W.
Hoskins, K.
Houstoun, G.
Hurt, F.
Hutt, W.
Ingestre, Lord Visct.
Jervis, John
Kemble, H.
Labouchere, Rt. Hon. H.
Langdale, Hon. C.
Lascelles, Hon. W. S.
Lister, E. C.
Loch, J.
Macleod, R.
Marsland, H.
Marton, G.
Mildmay, P. St. John
O'Connell, Daniel
O'Connell, John
O'Ferrall, R. M.
Palmer, G.
Parker, R. T.
Parnell, Rt. Hon. Sir H.
Parrott, J.
Patten, J. W.
Pattison, J.
Pease, J.
Philips, M.
Philips, G. R.
Pigot, D. R.
Ponsonby, Hon. J.
Power, James
Price, Sir R.
Rolfe, Sir R. M.
Round, C. G.
Rundle, J.
Russell, Lord J.
Rutherfurd, Rt. Hn. A.
Scarlett, Hon. J. Y.
Scrope, G. P.
Sheppard, T.
Slaney, R. A.
Smith, J. A.
Smith, A.
Smith, R. V.
Stanley, Hon. E. J.
Stanley, Lord
Stanley, Hon. W. O.
Stansfield, W. R. C.
Steuart, R.
Stewart, James
Stock, Dr.
Tancred, H. W.
Teignmouth, Lord
Thomson, Rt. Hn. C. P.
Turner, W.
Vivian, J. H.
Walker, R.
Wallace, R.
Warburton, H.
White, A.
Wilbraham, G.
Wilbraham, Hon. R.
Williams, W. A.
Wood, G. W.
Yates, J. A.

Tellers.
Maule, Hon. Fox
Parker, J.

NOES.

Aglionby, H. A.
Archdall, M.
Ashley, Lord
Bainbridge, E. T.
Blackstone, W. S.
Buller, Sir J. Y.
Burrell, Sir C.
Darby, G.
Duncombe, Hon. W.
Duncombe, Hon. A.
Eliot, Lord
Ellis, J.
Fielden, J.
Fleetwood, Sir P. H.
Freshfield, J. W.
Heneage, G. W.
Henniker, Lord
Hindley, C.
Hodgson, R.
Lowther, J. H.
Mahon, Lord Viscount
Morris, D.
O'Brien, W. S.
Plumptre, J. P.
Pringle, A.
Pusey, P.
Rae, Rt. Hon. Sir W.
Round, J.
Rushbrooke, Colonel
Rushout, G.
Shirley, E. J.
Sinclair, Sir G.
Style, Sir C.
Talfourd, Mr. Serjeant
Thomas, Colonel H.
Thompson, Alderman
Vere, Sir C. B.
Williams, W.
Wood, T.
Young, J.

Tellers.
Hinde, J. H.
Wakley, T.

Clause 12. "One hour and a half shall be allowed for meal times."

On this clause being put, —

Mr. WAKLEY said: — I have to move in this clause, That instead of "no child or young person shall be employed more than six hours in any one day without an interval for meal time of at least thirty minutes," the words "children or young persons" be substituted.

Agreed to.

Mr. HINDLEY. — I have an amendment to move, — namely, That in addition to the words "and during meal time no child or young person shall be employed or allowed to remain in any room in which any machinery is in motion," the words "at any time" be inserted; to stand, "any machinery is at any time in motion."

Question put, "That the words 'at any time' be there inserted."

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Mr. FOX MAULE. — I do not see the ground for this amendment. I should say, it would be a great convenience to the children, to allow them to take their meals in the factory when the machinery was not in motion.

Mr. W. PATTEN. — I look on this provision for allowing children to take their meals in the mill in which they are employed, when the machinery is not in motion, as most humane. If they had a distance to walk, the whole of their time would be consumed in walking.

LORD ASHLEY. — It is absolutely necessary that the children should be removed from the place where the machinery is employed, or they would be worked at the machinery the whole of meal times.

Mr. M. PHILIPS. — There are many factories which do not possess any outhouses or rooms unoccupied, where the children could go to; and the effect of such a provision would be, to turn them out into the snow, for instance, in an inclement winter, to get their meals.

The committee then divided: — Ayes 46; Noes 109; — Majority against the amendment 63.

AYES.

Archdall, M.	Lowther, J. H.
Bagge, W.	Mahon, Lord Visct.
Bainbridge, E. T.	Morris, D.
Blackstone, W. S.	Plumptre, J. P.
Bruges, W. H. L.	Pringle, A.
Burrell, Sir C.	Rae, Rt. Hon. Sir W.
Chute, W. L. W.	Round, J.
Colquhoun, J. C.	Rushbrooke, Colonel
Darby, G.	Rushout, G.
Duncombe, Hon. W.	Shaw, Rt. Hon. F.
Duncombe, Hon. E.	Sheppard, T.
Eastnor, Lord Visct.	Shirley, E. J.
Elliot, J.	Sinclair, Sir G.
Ellis, J.	Smith, A.
Farnham, E. B.	Style, Sir C.
Fielden, J.	Talfourd, Mr. Serjeant
Freshfield, J. W.	Thomas, Colonel H.
Gore, O. W.	Thompson, Alderman
Hall, Sir B.	Vere, Sir C. B.
Hardinge, Right Hon. Sir H.	Wakley, T.
Heneage, G. W.	Williams, W.
Henniker, Lord	*Tellers.*
Hinde, J. H.	Ashley, Lord
Ingestre, Lord Visct.	Hindley, C.
Kemble, H.	

NOES.

Adam, Admiral	Bailey, J.
Aglionby, H. A.	Baring, F. T.
Ainsworth, P.	Bentinck, Lord G.
Anson, Hon. Colonel	Berkeley, Hon. H.
Attwood, T. (Birm.)	Broadley, H.
Brotherton, J.	O'Connell, Daniel
Busfeild, W.	O'Connell, John
Byng, Rt. Hon. G. S.	O'Ferrall, R. M.
Cavendish, Hon. G. H.	Parker, J.
Chalmers, P.	Parker, R. T.
Childers, J. W.	Parnell, Rt. Hn. Sir H.
Clerk, Sir G.	Parrott, J.
Davies, Colonel	Pattison, J.
Douglas, Sir C. E.	Pease, J.
Duncombe, T.	Pigot, D. R.
Egerton, W. T.	Ponsonby, Hon. J.
Ellis, W.	Price, Sir R.
Evans, W.	Pusey, P.
Fenton, J.	Rich, H.
Ferguson, Sir R. A.	Rolfe, Sir R. M.
Ferguson, R.	Rundle, J.
Finch, F.	Russell, Lord J.
Fleetwood, Sir P. H.	Rutherfurd, Rt. Hn. A.
Gordon, R.	Sanford, E. A.
Graham, Rt. Hn. Sir J.	Scarlett, Hon. J. Y.
Greene, T.	Scrope, G. P.
Grey, Rt. Hon. Sir G.	Slaney, R. A.
Grimsditch, T.	Smith, J. A.
Grote, G.	Smith, R. V.
Hastie, A.	Stanley, Hon. E. J.
Hobhouse, Right Hon. Sir J.	Stanley, Lord
	Stanley, Hon. W. O.
Hobhouse, T. B.	Stansfield, W. R. C.
Hodges, T. L.	Steuart, R.
Hodgson, R.	Stewart, James
Hope, Hon. C.	Stock, Dr.
Hope, G. W.	Strickland, Sir G.
Houstoun, G.	Tancred, H. W.
Howard, Sir R.	Teignmouth, Lord
Hurt, F.	Thomson, Rt. Hon. C. P.
Hutt, W.	
James, W.	Troubridge, Sir E. T.
Kinnaird, Hon. A. F.	Turner, W.
Labouchere, Rt. Hn. H.	Wall, C. B.
Langdale, Hon. C.	Wallace, R.
Lascelles, Hon. W. S.	Warburton, H.
Lemon, Sir C.	White, A.
Lister, E. C.	Wilbraham, G.
Loch, J.	Wilbraham, Hon. B.
Macleod, R.	Williams, W. A.
Marsland, H.	Wood, C.
Marton, G.	Wood, G. W.
Maule, Hon. Fox	Yates, J. A.
Mildmay, P. St. John	
Moreton, Hon. A. H.	*Tellers.*
Morpeth, Lord Visct.	Patten, W.
O'Brien, W. S.	Philips, M.

The clause, as amended, agreed to.

Clause 13. "Eight half holidays to be allowed in the year."

Mr. M. PHILIPS. — I do not clearly understand the clause as it now stands; I think it should be made more distinct, and would suggest to it, — as an amendment, — to omit the word "and," at the latter part of the clause, and instead of the words "and that in England and Ireland no child or young person shall be allowed to work in a factory on Christmas-day or Good Friday," to insert, "that in addition to such eight half days no child or young person shall be allowed to work in any factory," &c.

Amendment put, and agreed to.

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Clause, as amended, agreed to.

Clause 14. "Children to attend school. Occupier of every factory entitled to deduct not more than in each week from the wages of the child, towards payment of the schooling of such child."

Mr. FOX MAULE.—I propose to fill up the blank with the words "threepence."

LORD ASHLEY.—Threepence a-week is too much to deduct from the wages of the child. I think one penny would be quite sufficient.

Mr. M. PHILIPS.—There are many of the manufacturers, who will provide and support schools of their own for the education of the children employed by them; but there are many of the smaller masters, who will not be enabled to do this; and so, recollecting that the Government assistance may not be extended to schools in the neighbourhood of these factories, we have to consider whether, by proposing so small a sum as one penny per week, we should not materially interfere with the education of the children?

Mr. HODGSON HINDE.—I shall certainly object to threepence. At present the charge to the child is, in most cases, one penny a-week—another penny being made up by contributions in the neighbourhood; and the twopence a-week, so obtained, is generally found to be sufficient for the purpose.

Mr. FOX MAULE.—I believe that, in very many cases, threepence a-week will be no more than is necessary. I should, therefore, prefer to fill up the blank with that sum.

Mr. FRESHFIELD.—I think twopence is quite as much as will be required in any case, and I must object to a larger sum being deducted from the child's wages for this purpose. Twopence a-week is what is usually charged in such schools for the whole day's schooling; and in this case the children will attend but two hours each day.

Question put, "That the blank be filled up with 'threepence.'"

The committee divided:—Ayes 51; Noes 96;—Majority 45.

AYES.

Archbold, R.	Pigot, D. R.
Baring, F. T.	Ponsonby, Hon. J.
Beamish, F. B.	Power, James
Berkeley, Hon. H.	Rich, H.
Blake, W. J.	Rolfe, Sir R. M.
Byng, Rt. Hon. G. S.	Rundle, J.
Childers, J. W.	Russell, Lord J.
Evans, W.	Rutherfurd, Rt. Hn. A.
Fleetwood, Sir P. H.	Sanford, E. A.
Gordon, R.	Scrope, G. P.
Grey, Rt. Hon. Sir G.	Smith, R. V.
Grote, G.	Stanley, Hon. E. J.
Hastie, A.	Steuart, R.
Hobhouse, Right Hon. Sir J.	Stuart, Lord J.
	Stock, Dr.
Hobhouse, T. B.	Tancred, H. W.
Howard, Sir R.	Thomson, Rt. Hon. C. P.
Hutt, W.	
Lister, E. C.	Troubridge, Sir E. T.
Marsland, H.	Westenra, Hon. H. R.
Morpeth, Lord Visct.	Williams, W. A.
O'Connell, John	Wood, C.
O'Connell, M. J.	Wood, G. W.
O'Ferrall, R. M.	Yates, J. A.
Parker, J.	
Parker, R. T.	*Tellers.*
Parrott, J.	Philips, M.
Patten, J. W.	Maule, Hon. Fox
Pease, J.	

NOES.

Acland, T. D.	Hope, G. W.
Aglionby, H. A.	Houstoun, G.
Ainsworth, P.	Hurt, F.
Attwood, T.	Ingestre, Lord Visct.
Bagge, W.	James, W.
Bailey, J.	Langdale, Hon. C.
Bainbridge, E. T.	Lascelles, Hon. W. S.
Baines, E.	Lowther, Hon. Colonel
Bentinck, Lord G.	Lowther, J. H.
Blackstone, W. S.	Mahon, Lord Visct.
Broadley, H.	Morris, D.
Brotherton, J.	Packe, C. W.
Bruges, W. H. L.	Plumptre, J. P.
Burrell, Sir C.	Praed, W. T.
Busfeild, W.	Price, Sir R.
Chalmers, P.	Pringle, A.
Chute, W. L. W.	Pusey, P.
Clerk, Sir G.	Rae, Rt. Hon. Sir W.
Clive, Hon. R. H.	Redington, T. N.
Colquhoun, J. C.	Round, J.
Darby, G.	Rushbrooke, Colonel
Douglas, Sir C. E.	Rushout, G.
Duncombe, T.	Scarlett, Hon. J. Y.
Easthope, J.	Shaw, Right Hon. F.
Eastnor, Lord Visct.	Sheppard, T.
Egerton, W. T.	Shirley, E. J.
Eliot, Lord	Sinclair, Sir G.
Ewart, W.	Slaney, R. A.
Farnham, E. B.	Stanley, Lord
Fielden, J.	Stansfield, W. R. C.
Freshfield, J. W.	Style, Sir C.
Gore, O. W.	Talfourd, Mr. Serjeant
Graham, Rt. Hn. Sir J.	Teignmouth, Lord
Greene, T.	Thomas, Colonel H.
Grimsditch, T.	Thompson, Alderman
Hall, Sir B.	Thornely, T.
Hardinge, Right Hon. Sir H.	Turner, W.
	Vere, Sir C. B.
Henniker, Lord	Vigors, N. A.
Hinde, J. H.	Waddington, H. S.
Hindley, C.	Wakley, T.
Hodgson, R.	Warburton, H.
Hope, Hon. C.	White, A.

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Wilbraham, G.	*Tellers.*
Wilbraham, Hon. B.	Ashley, Lord
Williams, W.	O'Brien, W. S.

The blank was then filled up with "twopence;" and the clause, as amended, agreed to.

Clause 15. "Certificate of attendance at schools required."

Clause 16. "How children absenting themselves from schools may be employed."

Severally put, and agreed to.

Clause 17. "Inspectors may declare schoolmasters incompetent."

Upon this clause being put, —

Mr. COLQUHOUN said:—This clause provides that no school certificate shall be valid, which shall be given by any person who shall have been declared by an inspector unfit to teach children, or whose school shall have been declared by the inspector unfit to be used as a school. But you have, here, no guarantee as to the kind of education that will be afforded in these schools. What security have we that the instruction, to be given, will have the slightest complexion of religion? None, except the opinions of these four inspectors. I think it would be even better to leave this matter of the education of the children to their parents and guardians, than to the inspectors. Considering that you ought to have some guarantee in this case, I shall move that that part of the clause which confers this power on the inspectors be expunged — that is, all the words from the word "enacted" to the word "that," in page 5. line 1.

Question put, "That the words proposed to be left out, stand part of the clause."

Mr. FOX MAULE. — If the Honourable Member had taken the trouble to read the Report of the inspectors of factories on the subject of schools, he would have known that this clause was a very considerable improvement on the existing system. Under the present law, all that is required is, that the child should produce a certificate of having attended some school. It is the object of the parents or guardians to get the schooling in the cheapest manner they can; and they generally care very little about the education, provided they can get the certificate of attendance; and it very often happens that those who teach the factory children, are, themselves, utterly incapable of comprehending the instruction they profess to administer. The only means that we have within our reach, to see that the schools be well ordered, is to give to the inspector the power of saying whether the schoolmaster is or is not fit to discharge his duties — those duties being merely to give instruction in reading and writing. This is all the education that is given to the child during five days of the week; the religious instruction which they derive, is usually given on the Sunday at the Sunday school, at which almost all of them attend. I admit that it would not injure the principle of the Bill to exclude this clause; but still I think it a useful clause, and I shall therefore retain it.

LORD STANLEY. — I regret the power that this Bill confers on the inspectors; and on no account do I regret it, more, than on this — of the schools; for, although the gentlemen appointed to that situation may be excellent inspectors, I cannot suppose that they are the most fitting persons to be intrusted with the superintendence of the schools. But, suppose there be but one school within a reasonable distance, and that that be objected to by the inspector; look at the position in which you place the millowner. If he neglect to send the children to school, he is liable to a penalty; and if he do send them, he is equally liable for sending them to a school which the inspector will not certify. Suppose the inspector should have a grudge against the schoolmaster, he might say, "I do not think this man qualified to keep a school, therefore I will not grant a certificate." What, in this case, is the millowner to do? and what is the schoolmaster to do, when you thus take away his character, and pronounce him incompetent in the profession he follows? You must look at the case thus; — the school is not confined to the instruction of the children employed in the factory, — it is open to all; and the schoolmaster's means of living depends upon his keeping up his character in the neighbourhood. And do you mean to tell me that it is just to deprive the man of his daily bread upon the mere *ipse dixit* of a factory inspector, who shall declare him incompetent to teach? I am sure, when the House consider the effect of this, they will never consent to place a power in the hands of any man, by which, upon his own mere word, he may ruin another. The Honourable Gentleman (Mr. F. Maule) admits that this

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clause does not affect the principle of the Bill. I trust, therefore, that he will not press it, when I show him that it may be made subservient to favouritism and ill-feeling.

Mr. POULETT THOMSON. — An extreme case, like that the Noble Lord has put, might be urged against the adoption of any plan. Undoubtedly, the inspector might act in the way the Noble Lord has stated; but is it at all likely that he would do so,— especially when it is considered that there is a remedy against him, by complaining of his conduct? Then, Sir, is there any remedy suggested by those who object to this clause, to the evils described in the inspectors' Report? For my own part, I am satisfied, that if this clause were omitted, the children employed in factories would, in many cases, go uneducated. The Honourable Member for Kilmarnock (Mr. Colquhoun) says he would rather leave the education with the parents. But their only object is to get the children into the mill as speedily as possible; they will take no interest in the establishment or conduct of schools. All they would care for would be, how to obtain the certificate of attendance with the least trouble. I admit that there is a power given by this clause that might be abused; but I think the probability of abuse is not to be compared with the disadvantages that would result from the omission of this clause; for if the clause were expunged, the other education clauses of the Bill would be perfectly useless, and the children would be deprived of the benefit of education.

LORD STANLEY. — The case I put, is that of a factory, in the neighbourhood of which there is but one school; and this declared by the inspector unfit. How would the Honourable Gentleman obviate that difficulty?

Mr. FOX MAULE. — I will introduce words to meet it.

LORD TEIGNMOUTH. — I have paid considerable attention to the Report of the committee; and the conclusion I have arrived at is, that the present system is working extremely ill, and is tending to retard, rather than promote, education among the factory children; and I believe that this attempt to bolster up that system will entirely fail. To show the sort of education which will be taught in those schools, under the superintendence of the inspectors, I will refer to the report of Mr. Horner, — one of the factory inspectors, — a gentleman who has been highly, and, I have no doubt, most deservedly eulogised; and to the result of my own observation. Mr. Horner, in speaking of the schools, alludes particularly to that kept by Mr. MacConner, and singles that out as the best. He says, in that school, the children are not only trained in habits of religion and morality, but of good order and breeding; while, at the same time, there is a sort of special instruction in religion by which the children are instructed, generally, without interfering with the religious feelings of their parents. Now, I, in company with a clergyman of the established church, paid a visit to this same school; and we found, certainly, that so far as a secular education went, the children were well taught, but religious instruction appeared to be altogether lost sight of. Upon inquiry, we were told that the New Testament was not introduced, because some of the scholars were Socialists. In another school, I found that the New Testament was not used, because there were Roman Catholics in the school; and in one instance, there was neither Bible nor Testament in the school. Such is the system of instruction carried on in the schools, which have been so complimented by Mr. Hornet. I say, that any man who will read the Report now on the table, and consider it impartially, must come to the conclusion that the existing system is defective at the root; and that, by giving grants to continue that system, you are only bringing upon yourselves a still heavier responsibility than that you have already incurred, by introducing an irreligious and unconstitutional system of education in this country, — a system which is fit only for Prussia or Massachusetts. If you were to introduce a good national system of education, based upon the principles of the Church of England, and supported at a moderate expense by grants voted in a constitutional manner, you would attract the children to your schools, and you would find the millowners ready to co-operate with you; but in this attempt to bolster up that which is a most defective system, I am quite sure you will experience only failure and disappointment.

Mr. LANGDALE. — As the clause stands, I confess that I am not very favourable to it. I think it is not sufficient for the inspector to say, in general terms, "I object to such a school, or to such a schoolmaster," without stating the precise nature of his objection. I should wish, therefore, if the clause is to remain, to see some limit placed upon the power

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of the inspector, in this respect. I think the least that should be required of him would be, to give a written notice to the master or mistress of the school, stating precisely the nature of the objection he entertains; and, if the clause should be carried, I shall move a proviso to that effect.

Mr. GROTE. — Although I do not think that the amendment suggested by my Honourable Friend the Member for Knaresborough would materially change its effect, I trust the House will not be induced to abandon the clause as it stands; for, in my opinion, this is one of the most salutary provisions in the whole Bill. The principle of this clause is not new, for, by the 23d section of the existing Factory Act it is provided — that if, on any examination or inquiry, it should appear to the inspector that the master or mistress of any school is unfit to instruct the children, he may then make an order for withholding their salaries. I am aware that this clause has been, in a great degree, nugatory in practice, because the schools have not been generally established; but the principle of making the inspector the judge of the schoolmaster's capability for the office, was distinctly admitted in that Act. I am quite sure that no person can read the Report which has been laid before the House, without admitting that some supervision over the schoolmasters is necessary. Then, where will you turn for it, if not to the inspectors, who are constantly overlooking the district for other purposes, and who must be the best acquainted with the circumstances of every case? To whom else would you consign the duty? By the returns which have been made to the House by the inspectors, it is clearly established that the education now given to the children employed in factories, is, in the majority of cases, merely nominal, on account of the inefficiency of the schoolmasters by whom it is administered. This is an evil which the power conferred on the inspector, by this clause, is calculated to remedy. I admit that there is some chance of abuse: but I must choose the lesser of the two evils; and I have no hesitation in saying that this power, which it is now proposed to give to the inspectors, is as little likely to be abused as any power which we are capable of conferring, and for this reason, — there would be no temptation to the inspector to exercise it improperly.

Mr. DARBY. — The Honourable Under Secretary of State (Mr. Fox Maule) has by no means answered the objection as to the power of these inspectors. They are irresponsible.

Mr. FOX MAULE. — They must report.

Mr. DARBY. — But suppose they should ruin a schoolmaster by pronouncing him incompetent, and then report that they had done so; — what would that be in the way of responsibility? I believe that no Honourable Gentleman present will say that reading, writing, and ciphering are all that should be taught the children in the schools, — no one will say that religious instruction ought to be altogether excluded; — and yet it will be in the power of these inspectors to pronounce that reading, writing, and ciphering are all that is necessary to be taught.

Mr. POULETT THOMSON. — I would call the attention of the committee to what is the present state of the law. Under the existing Act, the inspector may, if he think the schoolmaster or schoolmistress incompetent to teach the children, disallow the order for payment of the salary, — which amounts to pretty much the same thing as keeping the children from the school. The Noble Lord has referred to the school of Mr. MacConnell; and knowing him as well as I do, the Noble Lord will excuse me for saying that I think he is, in some way, mistaken in the statement he has made.

The committee then divided: — Ayes 67; Noes 58; — Majority 14.

AYES.

Aglionby, H. A.	Heathcoat, J.
Ainsworth, P.	Hinde, J. H.
Archbold, R.	Hobhouse, Right Hon. Sir J.
Baines, E.	Hobhouse, T. B.
Baring, F. T.	James, W.
Beamish, F. B.	Lister, E. C.
Blake, W. J.	Macleod, R.
Brocklehurst, J.	Marsland, H.
Brotherton, J.	Morpeth, Lord Visct.
Busfeild, W.	O'Brien, W. S.
Campbell, Sir J.	O'Connell, M. J.
Chalmers, P.	Parker, J.
Childers, J. W.	Parrott, J.
Duncombe, T.	Pigot, D. R.
Easthope, J.	Price, Sir R.
Evans, W.	Redington, T. N.
Ewart, W.	Rich, H.
Fenton, J.	Rundle, J.
Ferguson, Sir R. A.	Russell, Lord J.
Fleetwood, Sir P. H.	Rutherfurd, Rt. Hn. A.
Gordon, R.	Sanford, E. A.
Greene, T.	Scrope, G. P.
Grey, Rt. Hon. Sir G.	Stanley, Hon. E. J.
Grote, G.	Stansfield, W. R. C.
Hall, Sir B.	Stewart, James
Hawes, B.	

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Stuart, Lord J.	Warburton, H.
Stock, Dr.	Westenra, Hon. H. R.
Style, Sir C.	Wilbraham, G.
Talfourd, Mr. Serjeant	Williams, W. A.
Tancred, H. W.	Wood, C.
Thomson, Rt. Hn. C. P.	Wood, G. W.
Thornely, T.	
Troubridge, Sir E. T.	*Tellers.*
Vigors, N. A.	Maule, Hon. F.
Wakley, T.	Rolfe, Sir R. M.

NOES.

Acland, T. D.	Mahon, Lord Viscount
Ashley, Lord	Morris, D.
Bagge, W.	Packe, C. W.
Bentinck, Lord G.	Parker, R. T.
Blackstone, W. S.	Patten, J. W.
Broadley, H.	Pease, J.
Bruges, W. H. L.	Plumptre, J. P.
Burrell, Sir C.	Praed, W. T.
Chute, W. L. W.	Pringle, A.
Clerk, Sir G.	Rae, Rt. Hon. Sir W.
Douglas, Sir C. E.	Rushbrooke, Colonel
Egerton, W. T.	Rushout, G.
Farnham, E. B.	Scarlett, Hon. J. Y.
Fielden, J.	Shaw, Rt. Hon. F.
Fellowes, E.	Shirley, E. J.
Freshfield, J. W.	Sibthorp, Colonel
Gore, O. W.	Sinclair, Sir G.
Graham, Rt. Hn. Sir J.	Stanley, Lord
Grimsditch, T.	Teignmouth, Lord
Hardinge, Rt. Hon. Sir H.	Thompson, Alderman
	Turner, W.
Henniker, Lord	Vere, Sir C. B.
Hodgson, R.	Waddington, H. S.
Hope, Hon. C.	Wilbraham, Hon. B.
Hope, G. W.	Williams, W.
Houstoun, G.	
Hurt, F.	*Tellers.*
Ingestre, Lord Visct.	Colquhoun, J. C.
Lowther, J. H.	Darby, G.

Mr. REDINGTON. — I move that a proviso be inserted in the clause, declaring, that in any case where the inspector declares a schoolmaster to be incompetent, he shall furnish, in writing, to such schoolmaster, the grounds upon which he so pronounces him to be incompetent.

Mr. BAINES. — Should we not, by inserting such a proviso, subject the inspector to the same inconvenience to which the House itself has been recently subjected, — that is, should we not leave him open to an action at law for publishing a libel?

LORD STANLEY. — Admitting the force of the objection of the Honourable Member, it would apply equally to the former part of the clause, by which the inspector has to make a declaration of the incompetency of the schoolmaster.

The ATTORNEY GENERAL. — I think I may venture to assure the House that no such proceedings as those referred to would be successful, even in the Court of Queen's Bench; although, after what has recently taken place, I certainly feel some diffidence in advising upon what the decision of that court would be upon the subject.

SIR J. GRAHAM. — I conceive that the communications of the inspectors would be privileged, as being directed to be made by Act of Parliament.

The proviso was then put, and agreed to.

Clause, as amended, agreed to.

Mr. DARBY. — I move, Sir, that you do now report progress, and ask leave to sit again.

Upon the question being put, —

LORD J. RUSSELL said: — I trust that the committee will proceed with the remaining clauses respecting education? I certainly shall feel it to be my duty to resist the proposition of the Honourable Member.

LORD STANLEY. — I cannot understand why my Noble Friend cannot as well consent to the Chairman's reporting progress, now, as after these clauses. The next clause will take some time to discuss, as several Honourable Gentleman have amendments to propose in it, and, I believe, the sense of the committee will be taken upon it; and as we have, now, been sitting in the committee from half past five o'clock to nearly one, I do not think it at all unreasonable to propose the adjournment till to-morrow.

LORD J. RUSSELL. — I do not conceive that there will be any lengthened discussion on these clauses, after the time the last clause has engaged the attention of the committee. If we now adjourn, the whole subject of education will be reopened the next time we go into committee.

LORD ASHLEY. — Many Honourable Gentlemen on this side of the House, and myself among the number, have now been sitting here eight hours, and have had no opportunity of leaving, in order to obtain refreshment. I therefore do not think that the motion for adjournment is at all unreasonable.

LORD J. RUSSELL. — I have been frequently charged, by the Noble Lord, and other Honourable Members, with unnecessary delay in regard to this Bill; and it has even been insinuated that I

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as actuated by sinister motives with respect to it. Now, although I have often had similar charges thrown out against me, it can hardly be expected that I should be altogether indifferent to such accusations; therefore, I am anxious to embrace the opportunity now offered, to proceed with the consideration of the remaining clauses, or, at least, of those clauses which relate to that part of the subject we have been discussing.

[Cries of "Divide!"]

At all events, it will be seen that it is not the Government that is to be charged with delaying the progress of the public business.

LORD ASHLEY. — I would remind the Noble Lord that there is a vast difference between postponing a Bill from the 14th of February till the 1st of July, and only postponing the further consideration of it, after eight hours' sitting, till the following day.

The committee then divided upon the question, "That the Chairman do now report progress, and ask leave to sit again:" — Ayes 34; Noes 49; — Majority 15.

AYES.

Acland, T. D.	Mahon, Lord Viscount
Bentinck, Lord G.	Morris, D.
Broadley, H.	Packe, C. W.
Brotherton, J.	Parker, R. T.
Bruges, W. H. L.	Patten, J. W.
Burrell, Sir C.	Praed, W. T.
Clerk, Sir G.	Pringle, A.
Douglas, Sir C. E.	Rushbrooke, Colonel
Egerton, W. T.	Scarlett, Hon. J. Y.
Fielden, J.	Shaw, Right Hon. F.
Freshfield, J. W.	Sibthorp, Colonel
Graham, Rt. Hn. Sir J.	Stanley, Lord
Grimsditch, T.	Waddington, H. S.
Henniker, Lord	Wakley, T.
Hodgson, R.	Wilbraham, Hon. B.
Hope, Hon. C.	
Hope, G. W.	*Tellers.*
Ingestre, Lord Visct.	Ashley, Lord
Lowther, J. H.	Darby, G.

NOES.

Aglionby, H. A.	Ferguson, Sir R. A.
Ainsworth, P.	Fleetwood, Sir P. H.
Baines, E.	Grey, Rt. Hon. Sir G.
Baring, F. T.	Grote, G.
Beamish, F. B.	Hawes, B.
Blake, W. J.	Heathcoat, J.
Brocklehurst, J.	Hobhouse, Right Hon. Sir J.
Busfeild, W.	Hobhouse, T. B.
Campbell, Sir J.	Langdale, Hon. C.
Chalmers, P.	Macleod, R.
Childers, J. W.	Morpeth, Lord Visct.
Duncombe, T.	O'Connell, M. J.
Easthope, J.	Parker, J.
Fenton, J.	Parrott, J.
Pease, J.	Style, Sir C.
Philips, M.	Thomson, Rt. Hn. C. P.
Pigot, D. R.	Thornely, T.
Redington, T. N.	Turner, W.
Russell, Lord John	Vigors, N. A.
Rutherfurd, Rt. Hn. A.	Walker, R.
Sanford, E. A.	Warburton, H.
Scrope, G. P.	Wilbraham, G.
Stanley, Hon. E. J.	Williams, W. A.
Stansfield, W. R. C.	
Stewart, James	*Tellers.*
Stock, Dr.	Maule, Hon. F.
	Rolfe, Sir R. M.

COLONEL SIBTHORP. — I move that the House do now adjourn.

LORD J. RUSSELL. — I will not trouble the committee to divide again.

The House then resumed; Chairman reported progress; committee to sit again on Saturday.

PLEADINGS IN COURTS (INDIA) BILL.

Read a second time, and committed for Friday.

BANKRUPT LIABILITY BILL.

Read a second time, and committed for this day.

BOROUGH COURTS (No. 2.) BILL.

Reported, with amendments; amendments agreed to; amendment made; Bill to be read a third time this day.

BANKRUPTS (IRELAND) BILL.

Read a third time, and passed.

PUBLIC WORKS (IRELAND).

Resolution reported: —

That the sum of 50,000*l.* appropriated by an Act of the last Session of Parliament to the promotion and extension of public works in Ireland, out of the sum of 500,000*l.* in Exchequer bills thereby authorised to be issued, shall be applied to the purposes of grants or loans, under the provisions of an Act passed in the first and second years of his late Majesty, and of an Act passed in the first year of her present Majesty.

Resolution agreed to.

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SALE OF BEER (LICENCE DUTY).

In committee.

Resolved, That, in lieu of the annual duty now payable on every Excise licence to be taken out by any person for the selling beer by retail to be drunk or consumed in the house or premises where sold, there shall be paid an annual duty of 5*l.* — Resolution to be reported this day.

SHANNON NAVIGATION (ISSUE OF EXCHEQUER BILLS).

In committee.

Resolved, That a sum, not exceeding 290,717*l.*, by way of grant, and of 294,090*l.*, by way of loan, to be repaid, may be advanced in Exchequer bills, or out of the Consolidated Fund of the United Kingdom of Great Britain and Ireland; the same to be advanced under such regulations as may be directed by any Act of the present Session of Parliament. — Resolution to be reported this day.

REGISTER OF BIRTHS, &c. BILL.

Third reading deferred till to-morrow.

INDEMNITY BILL.

Second reading deferred till to-morrow.

SALE OF BEER BILL.

Further consideration of Report deferred till to-morrow.

HIGHWAY RATES BILL.

Committee deferred till to-morrow.

SUPPLY. — WAYS AND MEANS.

Committees deferred till Wednesday.

SMALL TENEMENTS BILL.

Second reading deferred till Wednesday.

LOWER CANADA GOVERNMENT BILL.

Second reading deferred till Thursday.

REGISTRATION COURT OF APPEAL BILL.

Deferred till Friday.

ADMIRALTY COURT BILL. — METROPOLITAN POLICE COURTS BILL.

Committees severally deferred till Wednesday, the 10th of July.

METROPOLIS POLICE BILL.

Report deferred till Wednesday, the 10th of July.

POOR LAW COMMISSIONERS CONTINUANCE BILL. — COLLECTOR OF RATES BILL.

Second readings severally deferred till Thursday, the 11th of July.

SUMMARY JURISDICTION BILL.

Committee deferred till Thursday, the 18th of July.

GLASS.

On the motion of the CHANCELLOR of the EXCHEQUER, Act (1 and 2 Vic. c. 44.) read; and Bill, "to remove Doubts as to the charging of the Duties of Excise on Glass," ordered to be brought in by Mr. CHANCELLOR of the EXCHEQUER and Mr. BARING.

Bill subsequently presented; read a first time; to be read a second time on Thursday, and to be printed.

TURNPIKE ACTS CONTINUANCE.

On the motion of Mr. FOX MAULE, Bill, "to continue, for a limited Time, the Local Turnpike Acts for Great Britain which expire with this or the ensuing Session of Parliament," ordered to be brought in by Mr. Fox MAULE and Lord JOHN RUSSELL.

Bill subsequently presented; read a first time; to be read a second time on Thursday, and to be printed.

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INLAND WAREHOUSING.

Bill, "for the Warehousing of Foreign Goods at Inland Towns," presented, and read a first time; to be read a second time on Friday, and to be printed.

TOWN COUNCILS.

Mr. FOX MAULE. — I rise, Sir, to ask for leave to bring in a Bill for giving additional powers to the councils of corporate towns. Under the present law, the town councils can only tax themselves for particular purposes; but there are many other purposes for which it is very desirable that funds should be raised by local taxation — such, for instance, as the building of a town hall, providing fire engines, and other similar objects. This additional power it is proposed to confer by the present measure.

Question put, and agreed to; Bill ordered to be brought in by Mr. Fox Maule and Lord J. Russell.

CATHEDRAL AND ECCLESIASTICAL PREFERMENT BILL.

LORD JOHN RUSSELL. — I rise to move for leave to bring in a Bill for further suspending certain cathedral and other ecclesiastical preferments, and the operation of the new arrangement of dioceses upon the existing ecclesiastical courts. As I stated the other evening, it is not my intention to proceed further, this Session, with the Ecclesiastical Duties and Revenues Bill, and therefore it is necessary to continue the Act now in force for the suspension of ecclesiastical appointments for another year. There will be some slight alterations from the present Act, in the Bill I now propose to introduce. It is proposed to give power, in certain cases, to renew leases,—the want of this power being, at present, greatly complained of; and power is, therefore, given, where there are vacancies in ecclesiastical preferments, to dispose of them, on the same principle as was intended by the Revenues Bill. Thus, if there be two vacancies in the dignitaries of the cathedral of Canterbury, and another vacancy should occur, we propose that the third vacancy shall be filled up.

Question put, and agreed to; Bill ordered to be brought in by Lord John Russell and the Chancellor of the Exchequer.

BILLS OF EXCHANGE BILL.

The CHANCELLOR of the EXCHEQUER. — The Bills of Exchange Bill, which was passed by this House, and sent up to the House of Lords, has been returned with certain amendments, which will render other amendments necessary on the part of this House. I have therefore thought it better to introduce an entirely new Bill, embodying the wishes of both Houses, than to adhere to such a piece of patchwork as the Bill would be if the alterations of both Houses were inserted. It is, however, my desire that both Bills should be before the House at the same time, so that Honourable Gentleman may judge between them. I will now move for leave to bring in a Bill "to amend and extend the Provisions of an Act of the first Year of her present Majesty, for exempting certain Bills of Exchange and Promissory Notes from the Operation of the Laws relating to Usury."

Question put, and agreed to; Bill ordered to be brought in by the Chancellor of the Exchequer and Mr. Baring.

Bill subsequently presented, and read a first time; to be read a second time on Wednesday, and to be printed.

BANK OF IRELAND.

Order (19th June) for Returns relating thereto, read, and discharged.

PAPERS, &c.

Glass; Malt. — Returns (presented 28th of June) to be printed.

Cotton. — Paper (presented 28th of June) to be printed.

Adjourned at half after one o'clock.

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HOUSE OF LORDS, MARTIS, 2° DIE JULII, 1839.

APPEALS.

Stewart *v.* Campbell (or Stewart). — Petition of the appellant for further time to lodge cases. — Read, and referred to the Appeal Committee.

Doe *v.* Vardill (writ of error). — Further and fully heard (the judges being present); and questions of law having been put to the judges, which they desired time to consider, the further consideration of the cause was adjourned *sinè die.*

Doe *v.* Perratt (writ of error). — Fully heard (the judges being present); and questions of law having been put to the judges, which they desired time to consider, the further consideration of the cause was adjourned *sinè die.*

Dixon *v.* Dixon (or Fisher). — Set down for hearing.

WEGUELIN'S DIVORCE.

Order of the Day for the second reading, and the Lords summoned, read; counsel called in, and witnesses examined; Bill read a second time, and committed to a committee of the whole House to-morrow; and the Lords summoned.

BLIGH'S ESTATE.

Standing Order No. 94. considered (according to order), and dispensed with; and Bill committed for Monday next.

House adjourned during pleasure, and resumed by the EARL of SHAFTESBURY.

House adjourned during pleasure, and resumed by the LORD CHANCELLOR.

WEST CROFT CANAL BILL.

Read a third time, and passed.

MANCHESTER AND BIRMINGHAM RAILWAY BILL.

Returned from the Commons, with the amendments agreed to.

MOY NAVIGATION BILL.

Read a third time, and passed.

LIVERPOOL BUILDINGS ACT AMENDMENT BILL. — OVER DARWEN GAS BILL.

Read a second time, and committed for Friday next.

SIDMOUTH MARKET BILL.

Read a third time, with the amendments; further amendments made; Bill passed, and sent to the Commons.

PETERBOROUGH GAOL BILL.

Returned from the Commons, with the amendment agreed to.

SUGAR DUTIES BILL.

Read a second time; committee negatived; and Bill to be read a third time to-morrow.

LIVERPOOL CHURCHES BILL — WEST DURHAM RAILWAY BILL.

Returned from the Commons, with the amendments agreed to.

NORTHERN AND EASTERN RAILWAY (No. 1.) BILL.

The House being informed by the Chairman of Committees that the opposition to this Bill was withdrawn, the Bill was committed to all the Lords present this day; the committee to meet on Thursday next.

NORTHERN AND EASTERN RAILWAY (No. 2.) BILL.

The House being informed by the Chairman of Committees that the opposition to this Bill was withdrawn, the

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order made on the 21st of June last, for the committee to be proposed by the Lords' Committees appointed for proposing Committees on Opposed Bills, was discharged, and the Bill committed to all the Lords present this day; the committee to meet on Thursday next.

MONKLAND AND KIRKINTILLOCH RAILWAY BILL.

Returned from the Commons, with the amendments agreed to.

CUSTODY OF INFANTS BILL. — BANKRUPTS (IRELAND) BILL.

Brought from the Commons; read a first time, and to be printed.

LONDON AND BLACKWALL COMMERCIAL RAILWAY BILL.

Second reading (which stood appointed for this day) put off to Thursday next.

SOUTH EASTERN RAILWAY (No. 2.) BILL.

Reported specially, with an amendment.

POSTAGE.

The EARL of CAMPERDOWN and the EARL of YARBOROUGH presented petitions for reduction of the rate of, — of inhabitants of Wootton Bridge; Stratton on the Fosse; Bathford; and Box. — Read, and ordered to lie on the table.

SCOTCH CHURCH.

The MARQUESS of BUTE presented a petition for the further endowment of, — of inhabitants of Muirkirk. — Read, and ordered to lie on the table.

JAMAICA BILL.

On the Order of the Day for the House going into committee on this Bill being read, —

LORD LYNDHURST said: — It is my intention to move that the first clause of this Bill be expunged. In stating this intention to your Lordships, it is necessary that I should declare the grounds on which I propose such an amendment; and I must, therefore, though not at any great length, enter into some exposition of my views on this most important subject. I think it appears from the Bill which was brought into the other House of Parliament, and afterwards abandoned, — from the speech of the Noble Marquess opposite last evening, — from the spirit and general tone of his address, — and also from the speech of the Noble Viscount opposite, — that there is a disposition on the part of her Majesty's Government, if possible, to abolish the Legislative Assembly of Jamaica, and to substitute a new form of government in lieu of that which has existed in that island for nearly 200 years. A similar attempt was made in the arbitrary reign of Charles II., and was defeated. That attempt has been repeated by the Liberal Government of the present day. Up to this time these efforts have been fruitless; but I assure your Lordships that, if this Bill be adopted by you, that will be accomplished by a side wind, which the Ministers have been unable to carry by an open and direct attack on the Legislative Assembly of Jamaica. I do not, for a moment, deny that your Lordships have power to pass laws for the government of Jamaica. I do not dispute that you have the right, in cases of emergency, — in cases of extreme necessity, — to pass such laws; but I say this; — that you have no right whatever to pass laws for the internal regulation of the affairs of Jamaica, or of any other colony, except in the cases I have cited, — namely, in cases of extreme exigency. That doctrine has been always held by all statesmen who have given an opinion on this subject, and for the plainest of all possible reasons, — which is, that our colonies are not represented in the Imperial Parliament. Your Lordships, therefore, have no right to pass laws for the internal regulation of this colony. The Legislative Assembly of Jamaica have, as it appears to me, been most unjustly treated in every part of this transaction. If I look to the preamble of the Bill, I see, there, reasons assigned why your Lordships are called upon to pass this measure; but that preamble is not properly and correctly worded. It is stated in the preamble, that the House of Assembly have refused to exercise their legislative functions except for passing Bills of Supply. That is laid down without any qualification; the position is unlimited in point of time; there is no condition attached to it. That is not the effect of the

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resolution passed by the House of Assembly: that resolution is of a different character. It declares, that they will not exercise their legislative functions, except as to Bills of Supply, unless they have the free enjoyment of their rights as British subjects. It is quite clear that they have a ground of complaint; that they call for redress; and it is quite clear, too, that, if that complaint had been attended to, — if they had been assured, in conciliatory language, that what had been done up to that time should not be made a precedent in future, — that which has taken place would not have occurred, but that they would have resumed their functions. I do not stand, here, to justify the resolution of the House of Assembly, — I think it is most reprehensible; but I cannot help recollecting that, on a former occasion, when their rights were infringed, precisely the same course was adopted by their predecessors, — and that course led to the grievances which have since taken place.

There is another circumstance which I could notice, arising out of what fell from the Noble Marquess yesterday, — I mean his allusion to the protest which was passed by the Legislative Assembly. I think that, considering the circumstances under which that protest was made, it ought not to have been insisted and descanted on so much, and at such length, by the Noble Marquess. There is no person who condemns more strongly than I do the insulting language used in that document; but I do not think it fair for the Noble Marquess to appeal to that document with a view of exciting in your Lordships a feeling against the Assembly, on a subject that is totally unconnected with it. Let me be allowed to remind your Lordships, that that protest was adopted at the close of the Session, when a great number of the Members of the House of Assembly had gone to their respective homes — when, indeed, there were only twelve Members remaining at Kingston. That protest was the act of those twelve Members; it was drawn up by them; and I understand it was disapproved of, and condemned, by the great body of the Assembly. I am aware that that fact was known to the colonial officials immediately after the document arrived there; and I therefore think it most unjust to rely on that document so much, and to descant on it at such length, as the Noble Marquess has done, without, at the same time, offering that explanation which I have just given. Another circumstance is this;—that protest was made and adopted long before the measure which gave rise to the resolution was passed: it was long before the Prisons Bill was enacted, and of course long before that Bill could be known in Jamaica; yet to the effects of that Prisons Bill, and the consequences resulting from it, is the resolution to be referred. What has been the foundation of the Bill now before your Lordships? The protest, I have shown, had no connection at all with the transaction. With respect to the Prisons Bill, I must say that another attempt has been made, calculated to excite a prejudice — an unfounded prejudice; and that is, the connecting the Prisons Bill with the abolition of slavery. This measure has nothing to do with the abolition of slavery; it is a mere transcript of the Bill that was in your Lordships' House in the year 1835, and the whole of which was adapted to a state of freedom. When we are talking of the conduct of the Legislative Assembly of Jamaica, let me remind your Lordships of this circumstance: — The Prisons Bill consists of only three clauses. The first clause gives to the Governor and Council the power of laying down rules and adopting regulations for the management of the gaols in the island; the second clause gives the Governor and Council the power of appointing inspectors of the gaols; and the third clause gives them the power either to visit or to appoint persons to visit, on special occasions, the gaols of the colony. Those are the three several provisions of the Bill. Under the first provision, the Governor and Council may adopt such regulations, and lay down such orders and rules, for managing the gaols, as they think fit; and it is remarkable that the Governor and Council have adopted precisely those rules and regulations which form a part of the Colonial Bill of 1834. It is only in some very slight and trivial circumstances that they have differed from those rules, and have not offered to violate that Act to which I refer. Again, the Governor has the power of appointing inspectors under the former Bill. If he think fit to exercise that power, that power is vested in him by the Bill of 1834. That I distinctly assert. Whom have the Governor and Council appointed as inspectors? The stipendiary magistrates. Those stipendiary magistrates are local magistrates, and therefore the power is within the Bill of 1834. Again, under the Bill of 1834, the Governor has the same power which he has under the English Bill to visit the gaols of the colony, or to appoint any person to do so, whenever he may think proper to exercise such power. All the power of the English Bill was previously in the possession of the Governor and Council under the Bill of 1834, in the case of his choosing to exert

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it. That I distinctly and positively assert. Now, we, on my side of the House, are charged with having taken an active part in the Prisons Bill. I admit that charge to be well founded. I was in the House when the Bill was introduced; but I took no part in the discussion of it, and did not oppose it — and why? Because I was not, then, aware of the circumstances under which it was introduced; because I was not acquainted with those facts which now appear in the papers on your Lordships' table, nor was I in possession of that information which I have since derived from other sources, and of which, if I had been apprised at that time, I should have not only not been silent, but should have given to that measure my most warm, zealous, and determined opposition.

With regard to the House of Assembly not resuming their legislative functions, the Noble Marquess expressed great surprise, last night, on the subject; but I think that there is not the slightest imputation resting on the Legislative House of Assembly, on that account. With respect to that, I say they have done all they could be expected to do. It is not my intention to go through all the arguments brought forward by counsel at your Lordships' bar; but I will allude to a few circumstances connected with this case, to prove that what was stated by the learned counsel at your bar, was correct, and that he cannot be impeached for stating anything which was not well founded. In the year 1834, the attention of the House of Assembly was called to the subject of prisons. They presented an Address to the Marquess of Sligo, the then Governor of the colony, telling him that they would direct their attention to the subject immediately. They fulfilled that pledge, by appointing a committee to consider the matter. That committee prepared a Bill, which was passed that Session, and which was at once pronounced by the Marquess of Sligo, himself, to be a most beneficial measure. That was the first step. What followed? The Marquess of Sligo, soon after, informed the House of Assembly that in some parishes the Bill could not be carried into operation from want of funds. Another inquiry was then instituted; and the result was, that a sum of 42,000*l.* was voted by the Assembly in aid of the parochial expenditure for the purposes of the Bill. But that was not all. The Assembly evinced its disposition to carry out the principle of the Bill by a readiness to pass any subsidiary Act to promote that object. Can it, then, let me ask — can it, in fairness — be objected to the House of Assembly, that it has given no attention to the improvement of prison discipline, because its first attempts on the subject were in some points defective? Your Lordships, in this House, have been engaged for a period, now, of thirty years on a similar course of proceedings with respect to the prisons of this country, and I believe it cannot yet be said that your system has been brought to perfection. The Assembly has done all in its power, — all, in fact, that could be done within the time during which its attention has been directed to the matter: when some imperfections in its first Bill were pointed out, it did its utmost, to remove them, by passing subsidiary Acts. This was in 1834. In 1835, the Marquess of Sligo informed the Assembly that the Bill was still imperfect. Another committee was then appointed to enter into further inquiries. The Noble Marquess caused to be laid before the Assembly a copy of a despatch which had been received from the Colonial Office, together with the copy of an Act of the Imperial Parliament for effecting greater uniformity of practice in the government of the several prisons of England and Wales, and for appointing inspectors of prisons in Great Britain, and three Reports from the committee of the House of Lords appointed to inquire into the state of the several gaols and houses of correction; but in eight days from that time, and before any progress could be made in the inquiry, the House of Assembly was prorogued, on the 3d of February, 1836,—the message of the Governor having been sent down only on the 26th of the January preceding. Was it the fault of the Assembly that this prorogation took place? No; it was the fault of the Marquess of Sligo himself. It appears that Governors can commit errors as well as Houses of Assembly; for the Marquess of Sligo was, himself, on three distinct occasions, guilty of a flagrant violation of the privileges of the House. The Assembly met again in the following year; when the Governor, having received instructions to that effect from the Government at home, made that reparation to the Assembly, for the breach of privilege he had committed, which the Assembly deemed sufficient. This was in 1836. I now come to 1837, which brings me to the most important part of the case. Sir Lionel Smith, who was then Governor, directed the attention of the Assembly to the views of her Majesty's Government respecting the introduction into the island of an improved system of prison discipline. A committee was soon after appointed to consider the

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message of the Governor, and also some regulations which had been laid before the House relating to treadmill punishments. Now, what course did the committee take? In the message from the Governor it was stated, that "Returns connected with this subject (prison discipline) have been called for from the different parishes, which, when prepared and condensed, will be duly submitted to the House." That was not done. Sir L. Smith did not redeem that pledge. Here, then, is a committee appointed by the Assembly to consider the subject recommended to its attention by the Governor, himself; he promises that certain documents, deemed, no doubt, of importance, shall be laid before the committee; but that promise is not kept. How, then, let me again ask, can any delay in the matter be said to be the fault of the Assembly? But more than this, — in the message of the Governor, to which I have just called the attention of your Lordships, there was the following passage, given as the concluding one of a despatch from Lord Glenelg: —

The present Act (the Negro Apprenticeship) will expire in the year 1840; and at that period, if not before, it will devolve upon you to give your most serious consideration to the improvements which may be introduced into it.

From this extract it would appear that the Colonial Office did not expect that any Act on this subject should be immediately prepared by the Assembly. The committee, however, went on with its inquiries; and while thus engaged, and at no long time subsequently to its appointment, Captain Pringle arrived in Jamaica, as a commissioner appointed by her Majesty's Government for the inspection of prisons in the West Indies, — to make such inquiries into the actual state of the prisons in those islands, and to suggest such improvements, as might lay the foundation of a better system of prison discipline. On the arrival of this gentleman, and for such a purpose, it would, and did, naturally occur to the committee, that they could not well proceed to prepare a Bill on the subject until they should have before them Captain Pringle's Report; but that gentleman returned to England without having made any. His Report was drawn up and laid before the Government, here, but no copy of it was sent out to the House of Assembly. In the mean time, the committee were waiting for that information on the subject which they had a right to expect would be laid before them; but, to show the disposition of the local authorities to remedy defects already admitted to exist, there were two parishes in the island in which the prisons were condemned, and funds were voted by the vestry for new buildings. The plans of the intended prisons in these two places were submitted to Captain Pringle, and his opinion was requested respecting them; and what was his answer, as stated in his Report? —

I suggested postponing the expenditure of so much money until the plans approved, for the construction of new prisons in England, could be forwarded, — or until some general system was adopted.

Why, then, I will once more ask, should blame be thrown on the committee, or on the House of Assembly, for not doing that for which due means had not been afforded to them? Yet, notwithstanding this neglect on the part of the Government, the committee did apply itself to the consideration of such communications as had been laid before it; and the chairman was preparing part of a Bill which it was the intention of the committee to recommend to the House, when, to the astonishment of everybody, the Prisons Bill, which in the interim had passed the Imperial Parliament, arrived in that island. This was an Act interfering with the internal affairs of the colony, — and, as such, Parliament had no right to pass it. It was an encroachment, unwarranted by the facts, on the privileges of the House of Assembly, which, for all purposes of internal arrangement, was, and ought to be, independent. Can your Lordships be surprised, then, after such an encroachment on its rights and privileges, — knowing, as you do, what has been done by the best constituted popular assemblies when they have found their privileges violated, — can you be surprised that, under such circumstances as I have stated, the House of Assembly of Jamaica should have passed the resolution so often referred to? I repeat, that I do not stand here to defend that resolution; but I think that, looking at all that has taken place, it affords no slight palliation for the course pursued by the Assembly. But this was not all: the Government not only invaded the privileges of the Assembly, — it added insult to injury. The Prisons Bill arrived out in Jamaica in September, but was not published till about the end of November, — a period of nearly three months. No communication was made to the Assembly, — no explanation offered of the course pursued by Government. What a contrast was here, between the conduct of the Governor of Jamaica and that of the Governor of Barbadoes, though both were placed, as regards the Prisons Bill, in the same circumstances! That Bill was sent

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out to Barbadoes, accompanied by a most conciliatory despatch from Lord Glenelg, and was communicated to the Assembly by a most conciliatory message from the Governor. These facts became known in Jamaica; and it was naturally expected by the House of Assembly that they would have the same courtesy extended to them; — but nothing of the kind. The law was passed in England; it arrived out in the colony; and the Assembly were left to find the facts out as any private individuals might do. Are not these circumstances which ought to remove from the minds of your Lordships any surprise at the subsequent course taken by the Assembly? But it is said that this law, and the regulations it enjoins, are necessary under the great political and social change which has recently taken place in the condition of the great mass of the population in the colony; and that the Assembly will not pass such laws for the benefit of the negro population as that change demands. What right, let me ask, have the advocates of the Bill before your Lordships to assume that the Assembly will not pass such laws? Has the Governor, or the Government at home, tried them? Has any message been sent to the House of Assembly, to know whether they will or will not pass the required laws? Oh! but Sir Lionel Smith has declared that he thinks they will not. If they have not had the opportunity given to pass the required measures, they are the advocates of the Bill, and not the Assembly, who are the wrongdoers. But what reason have the promoters of this Bill for believing, or for saying, that the Assembly will not pass the necessary laws? They have already, by their own voluntary act, passed a Bill for abolishing negro apprenticeship: to be sure, that may be said to be only a choice of difficulties; but still it was the voluntary act of the Assembly; and the Governor, Sir Lionel Smith, thanked them for their conduct on that occasion. I will maintain, then, that when this was done by their own voluntary act, the supporters of this Bill have no right to assume that they will not consent to other measures, which the altered circumstances of the colony may require. Let me for a moment recal to the recollection of your Lordships what was the language of Sir Lionel Smith, himself, addressed to this same House of Assembly, when he had not been more than about a year in the government of the colony. Speaking of their conduct during a protracted Session, he thus observes: —

I acknowledge, with great pleasure, the ready attention you have bestowed on all my communications; and the adoption of the suggestion for classing the apprenticed population under legal enactment will, I think, fully provide for the contemplated emergency. In bearing my testimony to the zeal with which you have applied yourselves to the public business, I cannot omit expressing the gratification I have experienced at the good understanding which has been apparent in all your proceedings, during a Session of unusual duration. I attach the greatest importance to the continuance of this feeling, which it will be the constant endeavour of my administration to promote.

I use this as an example — by no means the most striking that could have been selected — of the approving language that has been addressed to the Assembly, as well by the Marquess of Sligo as by Sir Lionel Smith, — two authorities by no means prejudiced in favour of the Assembly. Why do I press these arguments on the attention of your Lordships? Is it because I object to the whole Bill? No; my objection goes only to a part of it; — but it is to that part, by which it is sought to give to the Governor and Council the arbitrary power of passing Acts which shall be binding on the whole colony, and to take the power of legislation from the three branches of the Government to vest it in the two. The laws to be enacted will be without the power of repeal by the Assembly. How would the matter stand, then, if this Bill should pass into a law? Suppose the House of Assembly and the Governor and Council do not agree upon the passing of a particular Act before the 1st day of October, or any day that might be fixed by this Bill; — then, in that case, the Governor and Council are to be empowered to pass a law on the subject, which shall have all the force of a law passed by the three united branches. Now, suppose the Assembly to have, after mature and *bonâ fide* consideration, passed a Bill which, in their opinion, will be beneficial to the colony; it is sent to the Governor, but he rejects it; and if that, or some measure on the same subject, be not passed by a certain day, then the Governor may, by his own act, with the advice of the Council, pass a law on the matter. Why, this is as complete an annihilation of the powers of the three branches, as such, as if the Governor were at once made absolute and despotic. In such a state of things, what will be the instructions sent out to the Governor of this colony? Why, I must shut my eyes and my ears to what is passing around me, if I do not believe that such instructions will be sent out as will place the whole legislative power of the colony in his hands. Am I not right, then, in showing that this Bill would take away the whole power of

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the Assembly, and vest it in the Governor? or rather, that it would substitute the act of the Governor for that of the three branches? Here is a power of passing acts which cannot be repealed or altered by the Assembly. This is a power which, I am sure, your Lordships will not feel disposed to vest in the Governor of any colony which has hitherto had the advantage of a free constitution. I will not enter into any detail of the clause, as it relates to local and complicated laws; but there is one thing which refers to the law of contracts, on which I will say a word. It is the law, that no contract between master and servant shall be deemed valid in Jamaica, unless it be in writing, signed in the colony, and that it shall not be enforced for a longer period than twelve months from the time it is entered into. Now, it is well known, that it would be difficult to persuade artisans and mechanics to engage in service here for Jamaica, unless the contract were signed before they went out, and unless it was to be in force for a longer period than twelve months. See, then, what your Lordships would be doing, if, by adopting the first clause, you should renew this law!

There is another clause in the Bill, to which I will advert only for a moment, — I mean the second clause. I will put it to Noble Lords opposite, whether they will not see the propriety, of their own free will, of abandoning that part of the Bill? Seven of the Bills there renewed are Money Bills. I am told by persons acquainted with the island, that it is not necessary to renew them at present; that there are funds, ample to provide for all the civil service of the island without them. Passing these Bills by the Imperial Parliament is a direct violation of the Declaratory Act, which has been over and over again referred to and sanctioned. You violate that law distinctly, by legislating for the renewal of these laws. But it is unnecessary; you are doing a great injustice; you are violating that law gratuitously, because the House of Assembly, in their resolution, have stated that they will exercise no legislative functions, except those which are necessary for the purpose of preserving faith with the public creditor. They are content, therefore, to renew these laws, themselves. How can your Lordships interfere, then, and violate a principle, in order to enforce the renewal of these laws, when they, themselves (the House of Assembly), say that they are ready to renew them? Can you undertake that they will not renew them? Can you make such an assertion, in the actual face of the state of things which exists? The House of Assembly say that they are ready to renew these laws. How are you to decide that fact? Give them an opportunity of doing so. Their prorogation has prevented them from doing this, hitherto. From the 20th of December to the present day they have had no opportunity of renewing these laws. You give them no opportunity of renewing them, while you renew them yourselves by your own authority, and so, — violate a fundamental law of the empire. I am not going to submit any motion on this subject; I merely throw these suggestions out for the consideration of Noble Lords opposite. I think, that if Government cannot with any decency retain these Bills, it should be their part to abandon them. I now move the expulsion of the first clause. Under these circumstances, what is the course I recommend? I recommend a course of conciliation. I disapprove of the resolution of the House of Assembly: I wish to give them an opportunity of rescinding that resolution, and of retracing their steps. Let your Lordships give them that opportunity. You have begun to conciliate; you have removed Sir Lionel Smith from the Government, who is a warm partisan; — that is the first step towards conciliation. Let the new Governor deliver a conciliatory message to the House of Assembly; and I pledge myself, from all the information which I have received with respect to the temper of that House, that an end will be put to this unfortunate dispute between the parent state and the colony. Let your Lordships give them an opportunity of rescinding that resolution;—if they do not avail themselves of the opportunity, your position then is changed. You are, now, in the wrong: they will, then, be in the wrong, and all parties in this country will unite for the purpose of remedying the evil; but, at least, let your Lordships give them a trial. What are the objections to this course of proceeding? I have heard none. It is said these *Bills* are urgent — time is material — they ought to be immediately passed. I deny that. They cannot take effect before the month of November. If the House of Assembly hold out, and do not avail itself of your offer, long before Parliament meets again you will be apprised of that conduct, and by the unanimous advice of both Houses of Parliament these laws may be imposed. What will be the loss of time? But four months. Is that an object, considering the nature of these regulations? — considering the objects to which these Orders in Council are directed? Let your Lordships look at them. A law for the prevention of vagrancy, — that is one of the Bills. Would any inconvenience result from the delay of that law? I see no

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vil; there is no vagrancy at present in he Island of Jamaica. Vagrancy may radually grow up, and the negroes refuse o work; but no vagrancy exists at present. What necessity is there to pass an immeiate law to prevent vagrancy? A law assed in four months would meet the lifficulty. Am I without authority in what I state? Lord Glenelg sent to Jamaica for the purpose of ascertaining the number of vagrancy cases up to the end of last year. What were the returns from every district? *Nil.* Not a single prosecution — not a single case of vagrancy. What authority have your Lordships for assuming that this law against vagrancy is so pressingly required? It is proved to be not urgent, by reference to documents now lying on your table, to which I refer. Then, another law — for the prevention of the illegal occupation of lands — comes within the same denomination. When the negroes will not work, they become by degrees what is called "squatters." It may be necessary to remedy that evil; but it must grow up by degrees. A delay of four months can do no injury; it cannot grow up before that. What evil, then, will result from delay? Then there is the law for the regulation of contracts for hired service. In that case what injury can a delay of four months do? By that delay your Lordships will be acting wisely; you will be acting judiciously by it; instead of being in the wrong, you will be placing the colony in the wrong, if they do not avail themselves of the opportunity of passing that law. I am convinced that they will pass it, and that your Lordships will extricate yourselves from the difficulty in which you are now placed. It is on these grounds that I propose the rejection of the first clause. I propose the rejection of the first clause *in toto*, on the ground that your Lordships ought not, under the circumstances I have stated, to force those laws on the Assembly of Jamaica. My object is, to give the Assembly time for rescinding their resolution, and to pass laws according to their own local knowledge. I am sure your Lordships will pursue a wise course, in pursuing a temperate and conciliatory path. It is the forbearance of the powerful towards the comparatively weak; it is a dignified conduct, — it is a wise conduct. The Imperial Parliament, after all that has passed, I am satisfied, ought to adopt it.

LORD GLENELG. — I had not the advantage of hearing all that has fallen from the Noble and Learned Lord. The Noble and Learned Lord has said that the Prisons Bill was no part of the Abolition Act. What I ventured to state yesterday evening, was, that the Prisons Bill was, in fact, identical with the Abolition Amendment Act, which was passed last year with the complete concurrence of this House. Perhaps I misapprehended the sort of reasoning of the Noble Lord; but it seemed to me as if he supposed me to have argued that the Bill was necessarily a connection of the first Abolition Act. But my argument, yesterday, was, to contend that the Prisons Bill was, in truth, the same Bill as the Abolition Amendment Act, because the merits of that Bill had been discussed in passing that Act; and the same approbation which had supported the Abolition Amendment Act, had also supported the passing of the Prisons Act. But I take the liberty of saying, notwithstanding what the Noble and Learned Lord has urged, that it is not to be disputed that the House, in acceding to this Prisons Bill and the Abolition Act Amendment Bill, did, in truth, undoubtedly, and in fact, give its approbation to the Prisons Bill. The Noble and Learned Lord has said that the Prisons Bill is, actually, nothing more than a transcript of the Act of 1835 of this country. But the observation to which I am particularly adverting, is, that passage of his speech in which the Noble and Learned Lord, adverting to the Jamaica Bill of 1834, stated that in that Bill were contained the substantial provisions embodied in the Prisons Bill; and the Noble Lord would argue, therefore, that it was a superfluous infraction of the West India constitution to introduce that Prisons Bill. What is the difference between these two measures? The Act of 1834, in its general provisions and enactments, was not an exceptionable measure: it received the sanction of the Government; and, in a despatch which I sent out in 1834, I stated that many of its provisions met with my entire approval. But I said, yesterday, — and I beg your Lordships to observe this distinction, — that the great evil of the Prisons Act of 1834 was this; — not that it failed in enactments — not that it failed in principle — not that it failed in provisions, — all was right, all perfectly correct, in classification, in cleanliness, separation, ventilation, religious instruction, — all this was as strongly provided for as could be in any Act cast in any Parliament; but I stated, — and, with submission to the Noble and Learned Lord, I will restate it, — that, with all these most just provisions, that Act was a dead and powerless measure, because it had no principle of execution; — because it

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had no adequate executive principle. The Noble Lord tells your Lordships that that Act has precisely the same provisions which the Prisons Bill has,—namely, that it gives the Governor the power of appointing inspectors. With the greatest deference, I beg to deny that position, from first to last. There is not even a loophole for giving that power to the Governor.

LORD LYNDHURST.—The Noble Lord does not understand what I said. What I said was, that the visiting magistrates were local magistrates. The stipendiary magistrates are, now, inspectors; the stipendiary magistrates are now local magistrates; and the moment they were appointed local magistrates, they became visitors and inspectors under the Bill of 1834. That is what I stated. The Noble Lord was not present at the time.

LORD GLENELG.—I believe I was. But the Noble Lord then enumerated three particulars in which he said the Prisons Bill exactly corresponded with the Act of 1834. I think I am correct in stating that. I thought that the Noble Lord said that the Prisons Bill allowed the Governor to make regulations for the prisons?

LORD LYNDHURST.—No; I did not state that. Does the Noble Lord wish that I should repeat what I then stated? I said that, by the new Act, —the West India Prisons Act,—passed by this House, the Governor and Council were authorised to make rules and regulations for the government of prisons. I stated that the Governor and Council, under that Act, exercised that power, and adopted the very rules and regulations which formed part of the Act of 1834.

LORD GLENELG.—I was just going to say so. But there were two other particulars in which the Noble Lord said the Prisons Bill did no more than the Act of 1834.

LORD LYNDHURST.—One, only—that the Governor had a power of visiting gaols.

LORD GLENELG.—And, under a local magistracy, the power of inspecting?

LORD LYNDHURST.—Yes.

LORD GLENELG.—I admit the fact of the transfer of these rules from the Act of 1834; and it does not in the slightest degree militate against my statement, that though the regulations of that Act were unobjectionable, there were no means of carrying them into effect. In a despatch of mine, dated May, 1837, I stated,—

The Gaol Act of the Jamaica Legislature, passed in 1834, recognises in the preamble,—as the basis of prison regulations,—classification, separation, superintendence, regular labour and employment, and religious and moral instruction, as essential to the discipline of a prison, and to the reformation of offenders; but the salutary provisions of this statute appear to have been imperfectly administered, and those principles would seem, in practice, to be almost entirely disregarded.

And I afterwards stated,—

I cannot close this despatch without adverting, in a more direct and especial manner than I have hitherto done, to the evidence afforded by a comparison of the law respecting prisons, with the practice and the actual condition of them; that the legislation on the subject is paralysed throughout by the fatal circumstance of the Act containing no adequate executory provisions. Its execution depends upon the parochial authorities and the justices; and it appears to be proved by experience, that so long as it shall be solely intrusted to those functionaries, it will be inoperative. Were it possible to anticipate that a fair degree of operation would be obtained for such enactments, through this agency, there is no way in which his Majesty's Government would more gladly see the objects accomplished; for it is of great importance to every community, that the gentry and other persons of respectability should be engaged in voluntary efforts of this nature, and that those efforts should be assisted by the Government, rather than that any other agency should be substituted; but if no such efforts can be relied on, it then becomes the duty of the Government, to consider what other means can be adopted for the accomplishment of purposes which cannot be abandoned or neglected without incurring a grave responsibility.

Now, that was precisely the statement which I made yesterday, and which I beg leave to repeat. I assert that the Act of 1834 had no one provision for its execution whatever. It was impossible for the legislative authority, in any manner, to carry out the efficient execution of that Act; and the result proved this to be the case; for while that Act was in operation, it was continually disregarded, as is notorious from our despatches, and from all the letters to the Governor. The fact is, that the Prisons Act was utterly powerless. The Marquess of Sligo and Sir Lionel Smith brought before us, instances of workhouses and prisons in which the regulations adverted to in that Act were utterly unknown; and Captain Pringle, on a subsequent inquiry, stated precisely the same thing,—that, with few exceptions, the codes of rules were not known in the prisons and workhouses. The various regulations respecting clean-

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liness, ventilation, and separation, were really unheard of; and therefore the Act was, in a manner, perfectly powerless. It was an Act on our statute book, to which the House of Assembly could refer, and so assert that there was an Act for the government of prisons; but if they were asked where were the workhouses and the prisons in which the beneficial effects of this Act were to be seen, in any cleanliness, or in any religious instruction?—the answer was,—the mass of the prisons and workhouses were as utterly ignorant of the existence of this Act, as if it had never existed. Therefore, that Act wanted an executive principle, and therefore it is not extraordinary that the Government should take the regulations from the Act of 1834; the point was, to execute them. But I beg to state, further, that the Noble and Learned Lord has omitted to advert to two very material enactments in the Prisons Bill, which are not at all touched in the Act of 1834: the one is—that the Governor has the power of dismissing the officers and workmen on their being guilty of misconduct,—which is a most material enactment; and the other clause is—that the Governor is to signify when any prison is unfit for receiving prisoners, and that, from that moment, that prison shall not receive any more. That was an exceedingly beneficial measure, and for this reason;—it was not an uncommon practice that the prison-houses and workhouses were so ill built, that the prisoners were obliged to be put in chains and attached to each other, and to be kept during the night in chains and in stocks; in short, in addition to the sentence of imprisonment, they added the sentence of torture. The population were crowded day and night into hothouses, into workhouses, into prisons, into cells, and other places, not by the sentence of any magistrate, and not punished at the direction of any superior authority, but at the direction of the prison keeper, who, by his own will and command, inflicted on any person whatsoever degree of confinement and pain he might think it right in his discretion to do. And who were the persons intrusted with the care of the gaols? and what were they in respect of character? They had each a gaoler and a supervisor, either of whom might be of respectable character; but the person generally intrusted with the management of these prisons, was an individual who was termed a "boatswain," who was generally a convict for life. It appears from the Report of Captain Pringle, that sometimes the gaoler, the supervisor, and their wives were absent on business for three or four days; and the whole of the prisoners were then left in the charge of the officer called the "boatswain," who was generally a man of bad character. It was notorious that the sexes were not separated, except at night; that they were, during the whole day, together; and that the person who locked the females in their cells at night, and let them out in the morning, was the boatswain. This was the species of religious instruction given to them. Look to the earnest and strong appeals which have been made, year after year in succession, by the Marquess of Sligo and by Sir Lionel Smith. What were those appeals? Were they for a new Bill? No. They were distinctly for such specific measures as might suffice to remove a state of things, not of doubtful or questionable tendency,—not of a nature about which there ought to have been room for any, the smallest, hesitation or delay,—but a state of things, the existence of which could not but be deemed disgraceful and atrocious by any man, or any set of men. What were the subjects of complaint? They were—the flogging of females; cruelty to males; they were, deaths, by starvation, of offenders in the prisons of the island. What is complained of, by the successive Governors of Jamaica, is this:—you send a female to prison for certain offences; and while you think that you thereby impose a sentence, proportioned in severity to the nature of her offence, it is, in effect, and, in fact, torture to which you subject her—it is the infamous curse of the lash which you cause her to endure. I will refer to a despatch of the Marquess of Sligo. The Noble Marquess wrote to me, in 1836, to this effect:—

I will apply, in pursuance of your instructions, to the House of Assembly, to concert some remedy for the evils connected with the subject of prisons and prison discipline in this island; but there is no chance of their acceding to any satisfactory measure.

The Noble Marquess afterwards applied to the House of Assembly; and what was the result? He said, "I did apply to them, and the subject has been referred to a committee; but since I applied to them, no fewer than forty cases of an aggravated description, arising out of the state of the prisons, have occurred. There have been, among these, cases of the grossest cruelty to females; cases of the grossest cruelty to males; cases of persons who have died in confinement from the treatment they have received; cases of persons who have been left four days without food; cases of persons who, having had medicine ordered them, have suffered severely because the-

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medicine was not administered to them, in consequence of the boatswain being absent, although the gaoler and supervisors were at their posts. These, and such cases as these, are what have occurred, and are enough to harass and outrage the feelings of every man." Having thus repeatedly required the House of Assembly, — not to go out of their way, — not to pass a new Bill, — but, to do barely what the simplest dictates of humanity pointed out, — the House of Assembly was called upon by the Governor to enact some measure providing that females should not be subjected to the lash and to insult in these prisons; that the male prisoners should not be subjected to cruelty; that human beings should not meet their death in prison from the want of necessary medicines, which could not be administered because the boatswain did not do his duty. Is it not deplorable to find that, when people died in consequence of their treatment in those prisons, the grand jury should return for verdict, "Died by the visitation of God?" A glance over the particular points which were again and again referred to the House of Assembly of Jamaica by the Governor, under instructions from the Government at home, will more particularly show the imperative necessity which arose for interference on the part of the Imperial Parliament, to effect some remedy for this state of things, which it was disgraceful to suffer to continue, because it was so revolting to the commonest humanity. As the Marquess of Sligo said, the Prisons Act, when it was communicated to the House of Assembly, was, by them, referred to a committee of their body. Now, on this, your Lordships will observe, that, all through every Session of the House of Assembly, for three or four years, references of important subjects were continually made by the House of Assembly to these committees. But the cases to which I have referred were marked with atrocities such as could not be suffered to go on, and I said that they must be put an end to. But how was this to be done? If, as the Learned Lord (Lord Lyndhurst) alleges, the special magistrate, invested with power from the Governor, and armed with all the means that he had at his disposal, repeatedly endeavoured to penetrate these receptacles of horrors, but was repeatedly repelled, — and repelled, as it is said, according to law, — then the particular result of this statement of the Noble and Learned Lord is an admission that, under this Act of 1834, the Governor had no power of inspection over the prisons. But the cases I have referred to are not all. In 1836, came out the most atrocious case of all the atrocious cases that occurred in these workhouses. Well, to the House of Assembly, which met in 1835, and which continued in existence throughout the whole of 1836, the subject was again referred, — but referred in vain. They excused themselves. The medical inspectors of workhouses, they said, had failed to perform their duty. On the 21st of February, 1837, Sir Lionel Smith sent a message to the House, recapitulating all the atrocities of the prison system which had come to the knowledge of Government; calling attention to the despatch of the Secretary of State, in which reference was made to some correspondence between the Marquess of Sligo and the Secretary of State relative to the adoption of means for the improvement of the condition of the apprenticed labourers generally; and expressing a wish that the House would enter upon the subject of prisons and workhouses, and that they would take some method of putting a stop to the system of treatment which apprentices met with, when committed to prison. In March following, the Assembly returned, for reply, the following statement: —

> If the House were at all cognizant of the existence of abuses in the gaols and houses of correction, which require legislative interference, they would most readily go into a revision of the laws which regulate those establishments; but without such facts before them, — impressed as they are with the belief that the Marquess of Sligo was much misled, that the representations put forward by him of workhouse punishments were greatly exaggerated, and that the existing laws, if duly enforced and fairly acted upon, were sufficient to prevent abuses, — the House deem it unnecessary to deal with the subject at present, particularly as the Session is so near its close.

They went on to state that they believed the inspectors had been legally excluded; and they concluded that, on the whole, it would be better to defer the consideration of the subject until the next Session. This was in March, 1837. During the succeeding twelve months, fresh instances of most atrocious cruelty came to light; — among others, was the case of Williams, which I have mentioned to your Lordships before; — and the Governor consequently returned word that the existence of these cruelties had been completely proved to exist. With respect to the case of Williams, I protest that, when I first heard it, I could not believe that anything so atrocious could be possible. Now, this document of the Governor was public and patent to all Jamaica; the facts stated in it were made the subject of animadversion in the British Parliament, — they were made the subject of

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general conversation in the island, — they were held up to notice by two most honourable magistrates there, — they were the theme of every man who advocated humanity in Jamaica; — and yet, when Sir Lionel Smith suggested that the House of Assembly should adopt some measure to take away the stain which these cases had affixed upon their country, — to abolish this perpetual torture to which they subjected the black population, — what did they do? They referred the matter to a committee. That committee made a report, on which I will remark, presently; but, in the mean time, I will take upon me to say, that, under this evasive method of proceeding on the part of the House of Assembly, the Act of Emancipation was a perfect mockery, unless the Legislature of this country stepped in, and took measures for carrying it into execution. But what steps did the committee of the House of Assembly take? I ought to say that, before they concluded their sittings, I wrote to Sir Lionel Smith, desiring that some measure might be recommended to the House of Assembly for putting a stop to these abuses; and intimating that, if something were not done by the Assembly, a Bill, having that object, would be proposed to the Imperial Parliament. In November, Sir Lionel Smith announced this to the Assembly, — who referred it to the same committee. And Sir Lionel Smith told me, that, though he could not communicate, officially, what was the decision of the committee, their report not having been then made, there was very little hope of coming to a decision favourable to the wishes of the Government at home. And so it turned out. The committee recommended no measure. The House adjourned, in December, until the 20th of February; which was tantamount to putting off the settlement of the question till then, as the committee could not report sooner. Indeed, according to the established usage, it might be questioned whether they could report at all, — not having reported before the adjournment; for the House was in the habit, on making recommendations of subjects to the consideration of committees, never to reappoint those committees after adjournments. In this case, too, the committee met in November, and sat great part of December without making any Report. The House separated for the holidays, and not one word was heard of this Bill. In 1838, the Imperial Parliament passed the Prisons Bill; and then it was, according to the Noble and Learned Lord, that a committee of the House of Assembly was appointed on this very subject. But, in fact, not one word was heard about it. Last year, when they met, the House of Assembly — then, for the first time, discovering it — expressed hostility to the Prisons Act: then, for the first time, transpired the state of their feelings as to that statute. Then it was, I believe, that Mr. Jordon, the chairman of the committee, I have mentioned, — to the surprise, I apprehend, of the House, — stated that he had, in consequence of what had taken place in the committee, prepared a Bill; that it was nearly completed; but that he had met with so many difficulties as had greatly retarded him, and rendered it impossible for him to present the Bill before the succeeding Session, when he was resolved to bring it forward. That is precisely the course which the House of Assembly have pursued from year to year. Under these circumstances, I should have been negligent of my duty, if I had deferred any longer to press upon your Lordships the necessity for interposing to take effectual measures to carry out the Emancipation Act. I am not aware that there is any other topic to which I ought to refer, except it be the subject of the proclamation of the Prisons Act. That proclamation, according to the Noble and Learned Lord, did not take place till November, — the House of Assembly having met on October 30. But Sir Lionel Smith said, in his despatch of the 25th of September, that he had received the Act on that day, and the proclamation bore the same date.

The MARQUESS of NORMANBY. — When I gave way to my Noble Friend (Lord Glenelg), I was not aware that he was about to confine himself so exclusively to one part of the subject; but still, after the ample discussion of the whole matter, yesterday, I do not think it necessary to go into many of the topics which have been touched upon by the Noble and Learned Lord; and I feel quite absolved from entering upon that part of the question which has been so fully and ably developed by my Noble Friend, — I mean the question of the Prisons Act, — and the little effect which would have been given to the provisions of that Act, but for the intervention of the British Parliament. The Noble and Learned Lord has alluded to the way in which the Bill passed through the other House of Parliament, and also to the tone and temper in which I put forward the arguments I felt it my duty to address to your Lordships in moving the second reading of it. As to this, your Lordships are aware that I never did conceal that the most effectual and best remedy for the present cri

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which the conduct of the House of Assembly has brought on in the state of affairs in Jamaica, was — not, as the Noble and Learned Lord states, a complete and perfect change, but — such a suspension of the constitution of Jamaica as would have given to the black population that security for the enjoyment of their just rights which would have effectually changed their situation, and changed it for the better; and when the House of Assembly absolutely refused to take, not only any measures for effecting this object, which was so much desired by the Government and by the Parliament, and which was not only absolutely necessary, but of immediate and urgent necessity to the success of the great measure of negro emancipation, I must say I did think that the best measure which could have been adopted was that which was lately before the other House of Parliament. But, whilst I adopted that opinion, I also thought it necessary, in justification of the course I was taking, to state to your Lordships in detail, when asking your consent to the second reading of this Bill, what had been the course of the House of Assembly for a series of years, and what their conduct with respect to the non-adoption of the measures which were necessary to carry out the Emancipation Act. For I never did contemplate, in the case of any representative body,— not even in that of the House of Assembly of Jamaica (which I cannot call, as the Noble and Learned Lord does, a popular assembly) — not even in case of that, did I ever contemplate — a total abrogation of their privileges. This I thought was no light matter. In asking your Lordships' assent, therefore, to the second reading of this measure, I felt it necessary to recur at some length to the former acts of the House of Assembly of Jamaica; but, in speaking of those acts, I am not conscious of having said anything to merit the Noble and Learned Lord's term "intemperate," — a word which I think the Noble and Learned Lord will, upon consideration, admit was misapplied to anything that I stated. On reflection, I cannot think that I used language which ought not to have been used. The term employed by the Noble and Learned Lord was applicable, not to what I said, but to what the House of Assembly had themselves said, — to the language of their laws, — to the wording of their resolutions; and these I quoted and referred to in furtherance of the object I had in view, — which was, to convince your Lordships of the necessity for parliamentary interference in this case. In this view it was, that I quoted the words of an Act of the House of Assembly, as shewing the temper in which it was passed; and hence I endeavoured to call your Lordships' attention to the spirit in which they had passed their Prisons Acts.

My Noble Friend (Lord Glenelg), who has the circumstances all fresh in his memory, has answered much of what the Noble and Learned Lord has brought forward. The Noble and Learned Lord says that the House referred the Prisons Act to a committee. Yes, they referred it to a committee: that is the thing of which I complain: they referred the whole matter to committee after committee. But the Noble and Learned Lord says that the House of Assembly were well informed of this matter. Why, then, they were, in fact, a party to the atrocious and disgraceful cases, the particulars of which have been gone into by my Noble Friend, but which I will not harrow up your Lordships' feelings by alluding to further. I will only remark that, in the papers on your Lordships' table, and in the reports of the stipendiary magistrates, your Lordships will find detailed acts of cruelty perpetrated, not only on males, but on females, which would perfectly horrify the feelings of any man. But the pretext was, it seems, that delay was necessary. Was the flogging of females necessary for delay? It was not necessary, surely, for the House of Assembly to suspend the operation of the law for four years, before they could determine whether the flogging of females in prisons should be continued, or not. With reference to the amendment now proposed, the Noble and Learned Lord says that he cannot admit that the clause is absolutely requisite; and if it were requisite, he would leave it to the House of Assembly of Jamaica to enact. "How do you know," says the Noble and Learned Lord, "that the House of Assembly will not pass a satisfactory measure?" Why, I know it, because the House of Assembly have told us so. They have declared that they will not touch any matter of legislation until the Imperial Parliament will own itself to have been in the wrong, because it has legislated for Jamaica in a way which my Noble Friend has abundantly shown to be necessary. That the measures which were then passed were measures that were absolutely necessary to complete the Emancipation Act, I have from the mouth of the Learned Gentleman who spoke at your Lordships' bar so ably and so eloquently, and that the House of Assembly will never consent to pass any Acts which will allow contracts to be enforced by the stipendiary magistrates. I speak from my own experience, and that of the people of this

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country, who have always felt so much, and expressed so warmly their feelings, in favour of the unhappy black population of the colonies, when I say that the time is not yet come at which the negro can be left to the care of those who consider not their negroes' interest, but their own. I feel the firmest conviction that the interests of both classes of the inhabitants of Jamaica must henceforth be the same; but I feel the absolute necessity that there should be an impartial tribunal to which the negro might be able to appeal. I am satisfied that it is essential to the interests of the planter, that he should have it in his power to procure continuous labour, — and that cannot be acquired without some settlement or contract; but into such a contract, under the present order of things, the reports of the special magistrates prove that the negro will not enter. Almost every one of them assigns the absence of such a contract as the reason why labour is at present so irregular in Jamaica. It being absolutely necessary to have an impartial tribunal for the regulation of those contracts, and the Assembly refusing to pass any Contract Law for such purpose, I contend, a fair case arises for the interference of Parliament — with respect, at least, to this subject. As to the manner in which the authority for the protection of the negro ought to be exercised, whether through the medium of the stipendiary magistrates, or by what other functionaries, — that will be matter for subsequent consideration. I trust that the feelings which make it necessary to provide, in this manner, for the interests of the negro, may not long continue, and that the time may arrive when such transactions will be left to the usual mode of adjustment in well-settled communities; but, till that time arrive, I, for one, will not consent to abandon the population, perhaps to ignorance, perhaps to a want of due consideration.

With respect to the observations of the Noble and Learned Lord on that part of the ordinance relating to artificers, I will only say that it is a point fairly open for subsequent consideration. It is not necessary that I should, now, enter into a reply to the arguments of the Noble and Learned Lord on the subject of the second clause. I rather expect that some motion will be made in reference to that clause when it comes under consideration; but I completely dissent from the opinion that the present fund would be sufficient for the public service in Jamaica, — especially when items, which can by no possibility have been provided for by the Assembly, are taken into account. I allude, particularly, to the sums due to the public creditor. There are many other items of great importance unprovided for, and which the people of this country will have to pay, unless special provision be made for them in Jamaica. I will only say one word on the subject of the phrase used by the Noble and Learned Lord when speaking of Sir Lionel Smith. The Noble and Learned Lord said that Sir Lionel Smith was a violent partisan.

LORD LYNDHURST. — I said that he was not a violent partisan.

The MARQUESS of NORMANBY. — That he was a partisan?

LORD LYNDHURST. — The expression I made use of was, that he was certainly not a partisan of the Assembly.

The MARQUESS of NORMANBY. — When the Noble and Learned Lord alluded to the ——

LORD LYNDHURST. — I beg to say I do not know anything of Sir Lionel Smith; and if I used an expression too strong on the occasion, I readily retract it.

The MARQUESS of NORMANBY. — I am perfectly ready to accept the matter as the Noble and Learned Lord states it. All the evidence that has come before me proves that Sir Lionel Smith has discharged the duties of Governor with the greatest ability and zeal; and I do hope that the country will have the benefit of his services in another colony.

LORD BROUGHAM. — I am sure that if any Noble Lord had entered the House after my Noble and Learned Friend had spoken, and had thus lost the satisfaction of hearing the whole of his speech, — in the same way as the Noble Lord behind me (Lord Glenelg) says he entered the House while my Noble and Learned Friend was speaking, and thus lost the satisfaction of hearing a great part of his speech; — and if, consequently, he had only heard the speech of the Noble Lord (Lord Glenelg); he would have said it was a most impressive, a most eloquent oration upon a subject of great importance, but which was all over some years ago, — an oration upon what had passed in Jamaica in 1834, and in England in 1838. For it consisted of an attack of the proceedings of the Assembly of Jamaica in 1834, and of a defence of an Act of the British Legislature in 1838; but my Noble Friend did not say one word on the present question, — on

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the Bill, the details of which we are discussing. At the same time, I do not think it at all unnatural that my Noble Friend should have entered into those subjects to which he has addressed himself. He, having reprobated the Assembly for the passing of an insufficient Act in 1834 — which, I entirely agree with him, seems defective from not having an executive principle in it,—and, also, having brought in a supplemental Act to supply that defect, by introducing the Prisons Bill of last year,—nothing could be more natural than that he should have adverted to those measures; but, undoubtedly, I agree with the Noble Marquess that the speech of my Noble Friend did not touch the present question, except very remotely. The Noble Marquess, having no connection with the Act of 1834, and very little with the Act of 1838, after hearing a most impressive and powerful attack upon the present Bill, upon almost every point of constitutional law, and upon almost every point of fact, addressed himself exclusively to — what? To a vindication of the measures with which he had had no connection; but he said not a word in reference to the proposal now under the consideration of the House. I do not think that the Noble Marquess has succeeded in giving any tangible reason in support of the present measure, or even in justification of it. Your Lordships are now called upon to say whether you will agree to the first clause,—the most important part of the Bill. To that question, — as disposed on all such occasions to limit my assent to extraordinary remedies, which can only be justified by the pressure of extreme and overruling necessity, —as limiting, therefore, my assent to measures of the present odious and unconstitutional character and hateful aspect, beginning, continuing, and ending in illegality, violence, and usurpation,—as limiting even my tolerance of such measures to the absolute necessity of the case; —I feel bound to answer—No. When a measure comes to this House of Parliament, that has been adopted by a majority of the other,—when the representatives of the people, who ought to have as great a care of constitutional principles as the Peers of the realm, record their clear and decided opinion in its favour,—I will not say that I feel my own opinion bound by theirs; but, at all events, I approach the consideration of the measure with deference, with respect, with more than tolerance even of an unconstitutional proposition; and with reluctance and hesitation I ask your Lordships to record your dissent from the opinion of the representatives of the people. So I felt when large majorities of the other House sent up Bills, as in 1833 and 1834, —so did I feel when Bills came up recommended by smaller majorities, as in 1835,—so may I feel when other measures shall come — if, under the present dispensation, we are ever fated to see such measures come — recommended by anything like a majority, with the authority of the House of Commons clearly, decidedly, and unequivocally pronounced in favour of them, by the voices of a fair, and undeniable, a real — and not an accidental, chance-medley — majority of the representatives of the people. In such cases, though I may not feel bound to give up my own opinion, I shall treat that of the Commons with deference and respect; I shall examine it with delicacy, and wish that the examination may conduct me to a conclusion in accordance with theirs. At all events, I can have no right to treat any such measure, backed by such a majority, as if it were a new question, proposed, now, for the first time. But how is it with a measure agreed to by the narrowest majorities, — by chance-medley hap-hazard majorities, — by majorities that turn the scale with dust flung into the balance, — wavering, quivering, shaking in the wind, so that it can hardly be seen which of the two scales preponderates, when neither kicks the beam? I say that the scales in such a case hang even,—that it may more properly be said that no opinion has been pronounced, no decision given, and no authority interposed. When there is but a bare majority, that can hardly be called a majority, — when the opinion is hardly decisive, and expressed in a form hardly intelligible, — when it is scarce distinctly enunciated, so that others can hardly tell what they say, — it cannot be expected that your Lordships, who have not ears so fine as to be able to hear grass grow, can understand what is so unintelligibly muttered by those who have, themselves, no confidence in their own opinion —so that it may reasonably be doubted whether they have any opinion at all.

This statement of the case appears ludicrous. It is no fault of mine, — I but mention the fact; and if there be anything exciting laughter in quarters where a serious gravity ought always to reign, — if there be anything ludicrous in legislation carried on, or affected to be carried on, in such a way, — that is rather a melancholy than a laughable *thing for a* great country. It is next thing to the negation of legislative functions, to the abdication of all parliamentary privileges; it amounts to the absence of everything that deserves to be called government — government which ought to command,

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by deserving to receive, the respect of the people subject to its sway. Therefore, I say that it is no light or laughing matter to be so placed; and that which is only ridiculous in the statement, becomes most serious, melancholy, and grievous, upon reflection. The practical inference which I deduce from these premises, bearing upon the present matter, is of high importance. In proportion as I should be slow to urge your Lordships into a conflict with the other House of Parliament, when their opinion has been clearly expressed, by a decided and commanding majority, — in proportion as I should be slow to touch the workmanship of lawgiving, performed by a firm hand, guided by a steady purpose, in the co-ordinate branch of the Legislature, which represents the people, — in precisely the same proportion have I a right to call on your Lordships not to regard a measure such as this, — backed by a majority that is hardly more entitled to be regarded than if the other House of Parliament had never exercised its opinion, or formed its determination, or pronounced its judgment, or interposed its authority upon the question at all. I consider, therefore, with all possible respect for the Commons' House of Parliament, that I have a right to approach the consideration of this clause, — being the principal part of the Bill, — precisely as I should have done, as free and unfettered as I should have been, had it been proposed to this House for the first time by a Minister of the Crown, having only the authority of that Minister, instead of the sanction of the other branch of the Legislature. I come, now, to consider the measure itself, and the grounds on which it is submitted to Parliament. My Noble Friend (Lord Glenelg), in examining the merits of the Jamaica Assembly's Prisons Act of 1834, and the Imperial Parliament's Prisons Act of 1838, addressed himself to a question that has but a very remote connection with that now before your Lordships. I do not deny, however, that it has some connection, — and I say so, because I understand, from my Noble Friend's argument of last night, summarily repeated on this evening, that it is the conduct of the Assembly, in refusing to accept the Prisons Act of 1838, which is now made the pretence for suspending the constitution of Jamaica. Supposing that I should admit, for argument's sake, the truth of all that my Noble Friend has advanced against the Assembly's Act of 1834, and that I were to admit, also, that the Prisons Bill proposed by Ministers was entirely unexceptionable, — still, neither of these propositions would form any justification whatever for suspending the constitution of Jamaica. If these propositions were allowed to be true, it would only follow that we were right, and they were wrong, in this particular case; and instead of justifying us in abolishing the legislative powers so long exercised in Jamaica, it would only justify us in taking a course exactly the reverse of that which was taken by the Assembly of Jamaica, — as was done by those who passed the Prisons Bill of 1838, — in doing here, what had not been done there, — in performing the duties which they had neglected, and in correcting, by the wisdom of Parliament, the folly or injustice of the colonial Legislature. It has been said that the Jamaica Assembly have gone a step further, and have passed an Act abdicating their authority, — declaring that they will pass no laws, except such as are necessary for doing justice to the public creditor. On that point I beg to observe, that it forms no part of my duty, upon the present occasion, to deal in general propositions; I will, therefore, not say that there is no refusal on the part of such a Legislature to perform its duty, which would justify this country in providing a substitute. I will not now take upon myself to determine whether or not it has been guilty of a case of nonfeasance, or of misfeasance, sufficient to allow the interference of the Imperial Legislature; but of this I feel perfectly assured, — that the expediency or the inexpediency, the justice or the injustice, of passing such a Bill as that now before your Lordships, must depend upon whether such a case as I am supposing has arisen.

And here I must again advert to the narrow majorities by which the present measure was carried in the other House of Parliament. If it were a case upon which 600 rational men had no doubt, the matter would come before your Lordships in a totally different shape. But if the necessity for adopting a measure like the present be so extremely doubtful, — if the opinions of 600 rational men are poised in such equal scales — necessity in the one scale, needlessness in the other — that the scale of needlessness is almost on a level with the scale of necessity; if I find of those 600 rational men only a majority of 10 — of one sixtieth part of the whole — who think that a case has been made out against Jamaica, — am I, then, to consider myself justified in violently and despotically suspending the constitution of that colony? God forbid! If these 600 men be not only rational men, but the representatives of the people of England.

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—it makes the necessity stronger, that the expression of their opinion should be clear, distinct, and unequivocal. But there is another circumstance which ought not to escape your Lordships' attention. Most of these 600 men, who say that there is no necessity for the adoption of so severe a measure towards Jamaica, are those very men, who, upon a former occasion, showed that they were disposed to listen most readily to a proposition for suspending the constitution of a colony, upon the ground that the local Legislature, the provincial House of Assembly, had refused to perform its legislative functions. What, if I find that 300 of those men, who, a year ago, at the bidding of the Government, were so ready to suspend the constitution of the Canadas, — who showed so little of intemperate zeal in support of Canadian and colonial rights — so little of indisposition to listen to statements of misbehaviour on the part of colonial assemblies, —what, if I find that 300 of those very men, who, one short year ago, had so little hesitation upon the case presented to them on suspending the constitution of Canada, are now, without exception, of opinion that no sufficient proof has been given of misbehaviour on the part of the Assembly of Jamaica, and that there is no ground whatever for suspending the constitution of that colony? Surely, whatever my own individual opinion may be, I must regard such a circumstance as affording sufficient ground to induce me to pause before I assent to such a proposition as that involved in the measure now before the House? Surely, your Lordships must regard it as affording the strongest conceivable argument against the extreme necessity which is alleged to exist in this instance? Surely, it must convince you, that the condition of the colony, and the conduct of the Assembly, are not such as to demand the adoption of so severe, so arbitrary, so despotic a measure? So stands the fact. I do not mean to say anything in vindication of the conduct of the Jamaica Assembly. I know that aforetime their conduct was not such as to entitle them to respect. I do not say that I approve of their conduct in the present instance. It does not form any part of my argument, to hold that the Jamaica Assembly have, in all respects, acted temperately, wisely, and discreetly. Far from it; — but there is a wide difference between saying that, and saying that it is so resolved upon a suicidal act — it is so determined to abdicate its functions—that it is necessary that the Crown should interfere, and invest itself with all the powers which it has abandoned. Surely I am not going too far when I assert that our colonial assemblies, generally, are not guided by the same discreet and enlightened and temperate views of public affairs which guide the Imperial Legislature; for he must, indeed, be a most romantic dreamer, — he must, indeed, be a most unreasonable judge of human conduct, — who, taking into consideration the extreme difference of circumstances between the House of Assembly in Jamaica and the Imperial Legislature in Great Britain, can expect from the former the same consistency of conduct, the same temperance and moderation, the same high and enlightened wisdom, which distinguish the measures of the Legislature at home. That Assembly will ever be, as it always has been, in conflict, — now with the Governor, now with themselves, now with the mother country, and now with the Imperial Legislature at large. The fact is, that your Lordships, if you act wisely, must overlook these temporary ebullitions of local violence, which have all the bitterness and all the littleness of vestry squabbles. Your Lordships must remember the wise lesson which was given to Parliament by the matured experience, the large sagacity, the consummate eloquence, and the enlightened genius for public affairs, which adorned the first Lord Chatham, — whose advice so given, and so recommended, was rejected in an ill-fated hour, whilst counsels were preferred, which produced all the evils of the American war, and terminated in the severance of the British empire. That wise lesson was couched in the homely language of one of our poets of the last century: —

> Be to their virtues very kind,
> Be to their faults a little blind;
> Let all their acts be unconfined,
> And clap your padlock on their mind.

I know that the experience, the sagacity, the eloquence, and the genius of Lord Chatham are matters of ridicule to the more enlightened statesmen of the present day, by whom I am surrounded, — so exuberant are they in experience, sagacity, eloquence, genius — ay, and love, too, for liberty. I have, however, an old-fashioned respect for that great statesman, whom the country used to venerate, and, I believe, still does venerate; and I think that the advice which he gave, even if it had come from a less authority than his, should lead your Lordships to adopt and to pursue, as long as you can, a temperate and conciliatory course. One act, one resolution, the consequence of a single mortification, the result of a single sup-

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posed slight, is the only pretended ground for this measure, — and that is, the alleged refusal of the House of Assembly to legislate altogether. But have they ever avowed any such refusal? Why, they have offered to pass all the laws which may be necessary to preserve inviolate the faith of the public creditor; and their refusal to legislate has only been made provisionally, as my Noble and Learned Friend has well observed, until the pleasure of the Crown be known. Now, is this, I would ask, a general abdication of their functions by the colonial House of Assembly? Have your Lordships any right to suppose that, if this Bill were withdrawn, that Assembly would not come back to a sense of the duties which they owe to themselves, to their constituents, and the country at large? I contend that the part which I took, last year, upon the Canada Bill, renders it incumbent upon me to take a similar course upon this Jamaica Bill. That my Noble and Learned Friend opposite did not agree with me in opposing the Canada Bill, is a matter which I much lament. All the arguments which my Noble and Learned Friend has, this night, used against the impropriety of intrusting the governors of our colonies with arbitrary powers — all his dislike of suspending constitutions — all his abhorrence of anything like the transfer of the constitutional privileges of the colonies into the hands of a dictator, — I ventured to express, last Session — much less strongly, it is true, than my Noble and Learned Friend has expressed this evening, and much more feebly, so far as relates to the effect I intended to produce. I cannot, for my life, see why there should have been such facility, last year, in taking away a constitution from 400,000 or 500,000 whites in Canada, and so much reluctance, this year, to take it away from 30,000 whites in Jamaica. I never could discover that the House of Assembly in Canada did, last year, anything so bad as — not to say worse than — the House of Assembly in Jamaica has done, this year. But my Noble and Learned Friend did not object to the dictatorial measure of last year.

LORD LYNDHURST. — I rather think I was absent from the country.

LORD BROUGHAM. — Oh! my Noble and Learned Friend was absent from the country, was he? Then I greatly regret his absence; and still more deeply do I regret that the strong letters, the very strong letters, which my Noble and Learned Friend must have sent to his Noble Friends on the other side of the House, so full of his dislike of the suspension of free constitutions, did not produce any, the most trifling effect, either upon their convictions or upon their votes. After all the letters which, I repeat, my Noble and Learned Friend must have written to his friends and supporters on the Opposition benches, not one of them gave me any support; not one of them brought forward any of the constitutional arguments, which my Noble and Learned Friend must have urged against that most unconstitutional measure which annihilated the constitution of Lower Canada. I am glad, however, to find that I shall have my Noble and Learned Friend's support in opposing this measure of injustice towards Jamaica. I should have been still more delighted to have had it in opposing the measure for the destruction of the constitution of Canada, — a measure on which I was left so unsupported in this House, that I did not even venture to divide against it. It is a mere matter of course that I should adopt against the Jamaica Bill the same course of opposition which I adopted against the Canada Bill; and if I were to enter a protest against it, now, I should enter it in the very same words which I used in my protest of last year.

An objection has been taken to the constitution of the House of Assembly in Jamaica, by the Noble Marquess near me, which I have some difficulty in understanding. The Noble Marquess has described, in glowing colours, the badness of the constitution of the House of Assembly in Jamaica. It represents, forsooth, neither the property nor the population of the country. That is language which does not savour of "finality," at any rate. It is alleged that, because the population of Jamaica is not represented in its Legislative Assembly, we have no test that it has any right to call itself a representative body at all. Admitting that to be a correct test of representation, what are we to think of the House of Commons in this country? The House of Commons represents, it is true, a great mass of property; but as to the population, why, it is notorious and undeniable that ninety-nine persons out of every hundred are utterly unrepresented. But no one, on that account, talks of suspending its constitution. The principle of population in the representative system in this country is disregarded, spurned, trampled under foot. The best and most intelligent artisans in the empire — the most industrious and enlightened workmen in the different workshops of London, Liverpool, Birmingham, and Sheffield — are as much

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without votes in England, as any part of the population can be in Jamaica. Though they are quite as free as the negroes, for whom so much sympathy is now expressed at the expense of the whites, they have no votes in the election of those representatives, who have the power of taxing them to an extent far beyond that to which the Assembly of Jamaica ever can go in taxing the population of that island. And yet, no man thinks that the House of Commons is not a venerated and a venerable assembly; and no man denies that, in its corporate capacity, it deserves and commands respect. But why am I, under such circumstances, to turn my back upon the House of Assembly in Jamaica, — an Assembly which, though not, perhaps, the most perfectly constituted representative body in the world, is still known to the law, and is as much an integral portion of the constitution of that island, as the House of Commons is of the constitution of Great Britain and Ireland? Perhaps parliamentary reform is as much wanted in Jamaica as it has been in England; and if so, God forbid that I should oppose it! Perhaps its Parliament is a borough-mongering Parliament; and this Bill, which strikes at the root of its representative character, is intended to reform it. I must here be permitted to ask, whence arises this new anxiety for the rights and privileges of the negroes, which has so suddenly come over a part of your Lordships, and, I must also add, a part of her Majesty's Government? Was there ever a time in which it was more necessary than it was in the last Session of Parliament, for your new-born philanthropy to have stepped forward to rescue the negroes from the tyranny of their masters? Was no opportunity offered for such a display of your benevolent zeal in the cause of humanity? Again and again did I call upon your Lordships to interfere, and again and again was my call unanswered. There was no objection to leave these matters, last year, in the hands of the House of Assembly. The cry then was, "Oh! leave it to the House of Assembly; they know better than you do the state of the colony: don't you interfere." Again and again I wanted your Lordships to interfere, but could not prevail upon you to do so. Why should you now adopt a different course? Why should you not again listen to such an argument as this, — "Wait till the House of Assembly is in the wrong, — keep yourselves in the right; you will then have the people of England with you; and then you will compel the House of Assembly to yield to you again, as they yielded to you before, in 1836." I have, myself, no doubt but that the House of Assembly would yield, if the conduct of her Majesty's Government towards it were marked with that temper and moderation which become the governing as well as the governed party. The present Bill, however, is not the way in which I would interfere with the colonial Assembly. I lay it down as an indispensable proposition, that a constitution once given, if enjoyed for two centuries, ought not to be suspended altogether, unless in a case of absolute, extreme, overwhelming, and undeniable necessity — a necessity regarding which no two men can ever dispute. What signifies it to me that there are defects in that constitution, and that it is alleged not to be popular enough? At any rate, it is more popular than that which is going to be substituted in its stead. But be its defects what they may, it is the existing constitution of Jamaica; the people are friendly to it, and take part with it against the Government of this country. I admit that the Assembly is not so well constituted as it might be; but it is an elective body, — and must, to a certain degree, be taken as representing the feelings, the wishes, and opinions of the people of the colonies.

Now, as to the conduct of the House of Assembly on the Prisons Bill, — I admit that they were wrong, and we were right. I admit this, for the sake of argument, and, to a degree, in point of fact. But what happened on that occasion? What was the majority which rejected the measure? Was it a small one? Was this step taken in consequence of the preponderance of a single vote? No such thing. The opinion pronounced, broadly, clearly, definitely, and distinctly, was confirmed by a majority of 25; — a majority resembling rather our majorities of 1833 and 1834, than those of 1839. The minority, who did not adhere to the constitutional ground, relied upon by the rest of the Assembly, consisted only of five. The Governor, invested with the undoubted authority of the Crown, determined on an appeal to the constituent body; — a course which (I may remark in passing) proved that he did not think those elections such farces as some of our statesmen have described them to be. Otherwise, why should he appeal to the people? He expected that the people would give a different verdict from the Assembly, and thus appoint another Assembly more suited to his views. What happened? As in Canada, the minority was, on a dissolution, changed into a majority; instead of the minority in Jamaica in-

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creasing, it was lessened five-fold. That minority, which was 5 before the dissolution, after the appeal to the people, and as the result of that appeal, amounted to just 1; so that, instead of there being 25 to 5, the majority became 29 to 1. The sense of the people having been taken, what was before carried by a great and overwhelming majority, was now carried with one single, solitary dissentient. It is no light matter, to treat a community so unanimous as this, in the way you are now called upon to do. It is a course not to be recommended,— infinitely to be deprecated, — anxiously, by all possible means, to be avoided, — only to be embraced in the last instance, and after every means of delay, — if conciliation and negotiation have been tried and exhausted in vain. But it is said you are not legislating for the colony yourselves, — you are only delegating its legislative functions. That is my objection to this measure. If they will not do their duty, we can do ours and theirs for them in one and the same Act, at one and the same time; — if they will not pass the proper laws for the protection of the negro, — if they will not pass the Squatting, Vagrants, and Contracts Bills, let us pass those Bills; that is the proper course: at all events, I dislike it far less than that which is now proposed.

I differ from my Noble and Learned Friend, entirely, in the doctrine he has laid down — more widely in appearance than in reality — as to the right of internal legislation. I maintain that we have an undoubted right of internal legislation over all the colonies of the Crown. If there were any doubt, the 6 Geo. III., independent of the common law of the constitution, is most explicit on the subject. No words can recognise the right more completely; the words are, "that the Parliament hath, has had, and of right ought to have, full power and authority to make laws and statutes of sufficient force and validity to bind the colonies, plantations, and people thereof, being subjects of the Crown, in all cases whatsoever," internal, as well as others. That has never been repealed,— never doubted; it has only in one solitary instance been departed from, by the 18th of Geo. III., which is confined to taxing exclusively. The right is undeniable to legislate for the colonies; and if any precedent were wanting, the most recent, as well as the most striking that could be adduced, is the Emancipation Act itself. Having, then, this entire and absolute right of legislating internally for the colonies, my proposition is, that, instead of delegating powers to a dictator, you ought to legislate yourselves. And why not? Is there any difficulty to forbid you? It is said the details are such, that they cannot be rightly entered into on this side of the water. Why, the preamble of this very Act contains within its own bosom a complete contradiction of such a proposition. Vagrancy, squatting, and contracts for labour are made the subject-matter of detailed and anxious legislation for all the Crown colonies, in the very first clause of this Bill. If you chose, you could put your Orders in Council into the form of Acts of Parliament; you might bring them in and pass them, after submitting them to the wisdom of the Legislature. This would, at all events, be the course least objectionable, the least irritating, the most grateful to the colony. You are now taking the most offensive, the most galling, the most grating, the most insufferable course, — investing the Governor with absolute and despotic power — making him a tyrant over her Majesty's free subjects. I do not like to trust any man with absolute power; I know too well the frailty of human nature, and the corrupting tendency of unconstitutional power. The stoutest head is apt to be turned by it; the tenderest heart is apt to be steeled by it. I would not trust either the man's feelings or judgment, who has long been armed with powers as dangerous as noxious, — as bad for him who possesses them, as fatal to those over whom they are to be exercised. In the next place, I confide in the wisdom of Parliament. I would infinitely rather have any measure, to be enforced on our fellow subjects in the West Indies, brought into Parliament, opened and discussed by the representatives of the people, undergoing the scrutiny of the Peers of the realm, with all the lights of information, of experience, of knowledge, of liberal attainments, which belong to such assemblies, than place in the hands of a single man, who, though the wisest of men, is always liable to err, the extreme powers to be vested in the Governor of Jamaica by this Bill. The course proposed to be taken under this measure is the very worst that could be devised. To interfere you have an undoubted right; and to interfere in this way, if necessity absolutely requires it. No such necessity can be pretended to exist, as entitles you to suspend the representative, and substitute in its place a despotic, form of government.

Such are the grounds on which I have come to an opinion, that it is impolitic, unjust, and therefore highly inexpedient,

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and altogether unjustifiable, to adopt the first and leading clause of this Bill. There are other objections I entertain to the measure, some of which have been alluded to by my Noble and Learned Friend. There is one which I believe my Noble and Learned Friend has not stated; it is this; — the Act does not work out its own purpose, nor anything like it. It professes to do one thing—it does another, wholly different. It professes to suspend the constitution,— ay, and until the Legislature of Jamaica shall pass certain Acts, it professes to arm the Governor with despotic power only in the event of the Assembly continuing to abdicate its functions; but suppose the Assembly, under the provision made, should declare, "We are willing to retrace our steps; we repent what we have done; we will no longer persist in the applications we have made; we are willing to resume our functions, and to pass the Squatting, Vagrancy, and contract Bills;"— does it follow that the Governor would not have the despotic power? Nothing of the kind. The Governor has only to refuse his assent to those Bills, and whatever may be the ground of his refusal, whether general, or confined to one single particular, if the Bills are not passed into Jamaica law, the Governor has the absolute control of legislation. He may leave the odium to his Council, or he may divide it with them; the Council may refuse to pass these measures; and still, this preposterously ill-constructed Act, which does not mean to give the power but in one event, gives it in every event. One other observation, and I have done. If kindness towards the emancipated slave was the origin of this measure,— if your Lordships want only to help the slave, and not to hurt the master, — it is odd you should only have selected one colony. Is the Assembly of Barbadoes more respectable than that of Jamaica? What becomes of all the smaller islands; —Nevis and Montserrat, for instance,— where by far the greatest atrocities have been committed under the former system, — where the Hodges live, — where the Hugginses forfeit their lives, — where society is so constituted, that, instead of taking part with the victim of cruelty, they take part with the master who inflicts it, — juries refusing to find bills, and planters' wives and daughters associating with the murderous felons. There is no such Bill for Montserrat, — no such Bill for Nevis, — no such Bill for the countrymen of Hodges — for the patrons and patronesses of Huggins, — no such Bill, but for Jamaica alone; and this confined, casual, accidental, capricious legislation, is for the purpose of demonstrating that your views are large and enlightened and liberal in favour of the negro, and not against the whites. This observation throws some light on the impolitic and most unjustifiable course your Lordships are now called on to pursue. I hope and trust, however, that, whoever may have neglected their duties, your Lordships will do yours. You will refuse to suspend the Jamaica constitution, because you have come once in collision with the Jamaica Assembly; but if you see, in point of fact, a ground for resorting to extreme remedies, you will take a remedy formed according to the nature of the mischief, calculated, as professing to be designed, to meet that specific mischief; — you will interpose with the wisdom of Parliament, not by the appointment of dictators, and teach my Noble Friends behind me — the heads of the liberal Whig constitutional Government — this memorable lesson: — to leave the suspension of constitutions,— to leave the abrogation of the people's rights, — to leave the extinction of representative government,— not for every occasion—the easy remedy to which, to save trouble, they should have recourse,— but for extreme cases of absolute, overruling, and undeniable necessity.

VISCOUNT MELBOURNE. — The Noble and Learned Lord opposite (Lord Lyndhurst) has spoken at great length, and stated very clearly, fully, and distinctly, his objections to this Bill; the first clause of which he proposes to omit. There has been much debate in another House of Parliament, and there has been laid on your Lordships' table a great variety of papers, and a vast mass of information, relating to this subject; and yet, I declare, I do think there never was offered to the consideration and determination of the Legislature, a more short, clear, simple, and distinct question, than is submitted to your Lordships upon the present occasion. I entirely, utterly, absolutely, and completely deny the assertion with which the Noble and Learned Lord opposite commenced his speech, that there is, either on the part of myself or of any of my Noble Friends, any disposition whatsoever to abrogate and abolish the Jamaica House of Assembly, or to interfere with the rights either of individuals or bodies of men in this country, or in any of the colonies. What we have done, we have done with the utmost regret and concern, with the utmost reluctance and unwillingness. We made our former proposition with the greatest reluctance;

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we make our present proposal with equal unwillingness and sorrow;—the course we call upon your Lordships to pursue is forced, absolutely forced upon us by the conduct of the Jamaica House of Assembly;—and I declare before God, were the same conduct to be pursued by any other House of Parliament, aristocratic or democratic, be it where it might, I would not hesitate to advise the same sort of measures, in order to supply and secure the discharge of the functions and duties which have been abandoned, in this case, by those to whom they were committed. I respect the rights of all parties; I respect the rights of all individuals; I respect the rights of all bodies, whether elective or hereditary; I respect them, as I respect and reverence all constituted authorities in every country;—but all constituted authorities,—whatever their dignity, their weight, their power, their privileges, — hold their power, privileges, and dignity by the tenure and condition of performing the duties they have to discharge; and if they desert and abandon them, they commit suicide of themselves. It is not the Government that is, here, putting an end to the Assembly, — it is the Assembly putting an end to itself. It is the Assembly which imposes on us the necessity of fulfilling the duties the Assembly has left vacant; of providing for the powers they have not exercised; and for the exigencies and necessities which they, themselves, admit to exist. That is a duty absolutely imposed on us — a duty which it is absolutely necessary for us to perform; and for the measures to be taken under such necessity and exigency, not they who are compelled to undertake them should be held responsible, but those whose conduct has imposed the task, upon the remaining powers of the state, of carrying on the duties of the Government. The House of Assembly have, in their Address to the Governor, admitted, distinctly, the absolute necessity — particularly in the present circumstances of that country — of legislating on the very points provided for in this Bill; and then they go on to say, they will not legislate upon those or any other subjects, until their privileges are respected and the Imperial Parliament shall have withdrawn from the course which it has already pursued. That this amounts to a complete dereliction of their duties,—that it is an entire disregard of all their functions, a total neglect of the whole interests of the state,— it is impossible for any one to deny. And if the Assembly do not perform the duties which are incumbent on them, and which they admit to be absolutely necessary, it remains for the Imperial Parliament to provide for the exigency. The Noble and Learned Lord (Lord Lyndhurst) says "this refusal is limited — they offer to pass certain Bills." What right have they, my Lords, to say they will perform part of their duties? To abrogate one great part of those duties, I maintain, is the same as abrogating the whole. It is the *respublica*, the whole interest of the community, that is committed to their care, — and they have no right to withdraw themselves from any part of it. But then it is said that all this is conditional; if the Imperial Parliament will withdraw what they consider an attack on their privileges, they will proceed to legislate. What right have they to make the performance of their duty conditional? Will your Lordships sanction such a proceeding? The conduct observed in reference to this subject by some Noble Lords, appears to me most strange and extraordinary. One Noble Lord says that he was not present on the occasion of discussing the Prisons Bill. The Noble Duke opposite says that he has not paid any attention to the subject. The Noble and Learned Lord under the gallery affirms that he is ignorant of the circumstances of the case; and another Noble and Learned Lord says that, though he attended the discussion, he disapproved of the proceeding altogether. Now, I beg to ask, is it fitting, is it becoming, is it suitable, that your Lordships should follow such courses, and hold such language, upon occasions so important and momentous? Is this the way to uphold your dignity — to sustain your authority? Is this the way in which you stand by your Acts? That Bill, however, was passed by the House of Lords; and yet those are the terms in which it has been spoken of, by persons of weight and importance in this House; and it is not altogether certain that persons out of doors may refrain from insinuating that this is your usual mode of legislation, and that it is the manner in which you generally deal with the important interests intrusted to your charge. It is not fitting, then, I will repeat, that persons of weight and authority should permit themselves to use such language, in order to serve a present argument, or advance a present purpose. It is evident enough, and quite natural, that Noble Lords on the other side should wish to maintain the measures which they have passed; but I affirm that the course which they are pursuing is not the best calculated to effect such an object.

The question now before your Lordships is as plain as it is important, — it is the plainest question possible. The House of Assembly in Jamaica, themselves, admit the absolute necessity of some'

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being done. This suspension of the progress of public affairs in that colony has become a matter of the highest importance, and of the greatest possible urgency. Is the House of Lords, then, prepared to take upon itself the great and serious responsibility of leaving it to the House of Assembly of Jamaica to determine whether they will, or whether they will not, adopt certain proceedings? Your Lordships cannot say that the Prisons Bill is a measure which is not to be drawn into a precedent; if it was not to be a precedent, why was it passed? A precedent it must be considered, and it cannot cease to be viewed in that light. Then I come to the question, — What ground have your Lordships to think that the House of Assembly will not legislate? Because they tell Parliament that they will not do so unless they are satisfied as to their privileges. Yet they can only be satisfied with respect to their privileges, by the repeal of that Act of Parliament through which they were originally infringed. It is clear that that cannot be granted; and it is equally clear, that if you leave the House of Assembly of Jamaica to proceed, or not to proceed, as they think proper, all possible risk will thus be incurred, without the least advantage. Why should the House of Assembly give way, when they are supported and defended and encouraged as they have been, and that by so large a party in the country? They would be mere children, were they to give way. The House has, this night, heard much as to the majority by which the Bill now before your Lordships has been carried in another place. Upon that subject I do not propose to trouble your Lordships at any great length; it is a matter of serious consideration. I admit that I think so, — not only on account of the great question to which it more immediately relates, but on account of its indirect effects upon the great colonial interests of the country. I view it as a matter of serious consideration, not more on the one account than on the other; for unanimity amongst the constituted authorities of the parent country must, at the present moment, be regarded as of the very highest importance. If there be not some degree of general concurrence, how can you expect the measure to succeed? — how can you look forward to its being respected? The House will observe that I have carefully abstained from making any allusion to party on the present occasion. I have no wish to do so; it has been disclaimed on both sides; no person seeks to sustain or to object to the present measure upon party grounds. There is no intention of using it to aggrandise party on the one hand; nor do I mean to say that, on the other, it is intended to be used for the purpose of seizing upon power; though, in the absence of those motives, I profess myself unable to understand the conduct pursued by the opponents of the measure. The absence of those motives may render their conduct more praiseworthy; but it therefore only makes it appear the more senseless and unintelligible. Their thwarting such a measure I can understand, if they have a party object in view; but without that, I cannot regard their proceeding otherwise than as sheer mischief or sheer folly. I do not attribute mischief or folly to the Noble Lords opposite; but to account for their conduct I feel utterly at a loss. The Noble and Learned Lord, opposite, appears to suppose that the House of Assembly has shown a disposition to resume its functions, — but he observes, at the same time, that even though it should, still the arbitrary power of the Governor would remain. But, surely, your Lordships cannot consider that power as one fraught with any danger. It may be very well for the Noble and Learned Lord to use such general topics as the corrupting nature and tendency of excessive power; but does he really and seriously suppose that, under the superintendence of Parliament, any Governor would dare to abuse such power? I admit that, *pro tanto*, the Bill goes to the suppression of the House of Assembly; but, at the same time, I contend that the conduct of the House of Assembly has rendered that course unavoidable. If your Lordships do not pass the Bill, you will lose the whole of the intervening time, and incur all the dangers which any other possible course must involve.

LORD BROUGHAM. — I really must beg to dissent from the proposition laid down by my Noble Friend, — that, because any individual, or set of individuals, oppose a measure without party motives, they are acting foolishly or mischievously. Then, with regard to the performance of legislative duties, — my Noble Friend says that if any legislative body, be it where or what it might, were to refuse to perform the duties of its functions, he would adopt the same measures against it as are now proposed against the Assembly of Jamaica. My Lords, of course, this threat must apply to your Lordships and the other House of Parliament; and you may expect to see a body of grenadiers marched in to drive you from your seats, if you do not do your duty. But what is your

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ıty? and who is to be the judge of it? presume the Government, of course. In ıort, if you pass the measures proposed y Government, you will be exercising our functions, and doing right; but if ou presume to differ with Ministers upon ny of them, you will be acting foolishly nd mischievously, and at once lay yourelves open to the threats of my Noble 'riend.

VISCOUNT MELBOURNE. — What meant to say was this,—that every conıtituted body, in every state, is bound to ɔerform the duties assigned to it; and if ıny such authority of the state, whatever t may be, abdicate — or declare that it will ıot perform — those functions, then the ɔther authorities of the state are bound o interfere and supply the deficiency. '*Si non vis judicare, cessa regnare*," were the memorable words once addressed ɔo a high potentate; and they have ever been considered as announcing a very just constitutional doctrine. I see no reason why other constituted authorities should not be subjected to the same laws; and if they neglect or refuse to perform their duties, they may depend upon it they will lose their power.

The EARL of MANSFIELD. — I certainly think, that, if the expressions which have fallen from the Noble Viscount and the Noble Marquess be made known to the Assembly of Jamaica, they will do much to prevent reconciliation. With respect to this measure, I should have been glad if such modifications could have been made in it as would enable your Lordships, consistently with your duty, to pass it; but I confess I have not heard anything, in the course of this debate, which encourages any hope for such a result. I do not defend the conduct of the Assembly; but, at the same time, I think, if more of the spirit of conciliation had been shown towards them by the Government, they would have, ere this, resumed the due exercise of their functions. As to the right of Parliament to legislate on such a subject as the present, I never for a moment entertained the least doubt. With regard to the Prisons Bill, I certainly must say that I, amongst others of your Lordships, take blame to myself for not having paid sufficient attention to that Bill; at the same time, from no information that I received had I any reason to suppose that it would have given such offence, and have created the suspicion — perhaps the natural consequence of that offence — that it was sent out for the purposes of irritation, and in order to further the views of those who wish to see the Legislature suspended. Now, the opposition which has been given to the first of the two Bills brought forward this Session has been grounded on the propriety of allowing the Assembly to retrace their steps. But I would appeal to what fell from the learned counsel at the bar, in asking whether the present measure is not, if possible, more objectionable than the former? and whether, if the opposition to the first measure was well grounded, your Lordships should not be equally strenuous in opposing this? The Bill before your Lordships is nothing more than a pretext for continuing the powers of the Legislative Assembly, while it, in fact, suspends them. It empowers the Governor to indicate not only what measures the Assembly are to pass, but what are to be the minutest points of those measures. If, then, the Assembly were to accept and pass such measures, in defiance of their own opinions, what would that be else than the mere mockery of legislation, — the mere appearance of deliberation, without the exercise of any such power? It would be better to have their functions entirely abrogated at once. With such a measure as this, I despair of our being able to proceed with success; and therefore hope it will undergo considerable modification. I trust your Lordships will evince some spirit of coolness and conciliation in dealing with it; and, with equal sincerity, do I hope that, when it should come into operation, it will meet with no resistance, nor give rise even to any intemperate expressions.

LORD SEAFORD. — As I have the misfortune to differ from many of my Noble Friends on this question, I am anxious to say a very few words. I must declare, in the first place, that I think the arguments of the learned counsel whom your Lordships heard at your bar against the Bill, as regards the Prisons Act, were most fallacious. Now, the whole question appears to me to rest upon this point, — namely, whether the rights of the Assembly have, or have not, been violated? If they have not been violated, then is the refusal of the Assembly to discharge their legislative functions an unprovoked dereliction of their duty. The first thing to be considered is,—the nature and extent of those rights which they conceive themselves to possess, inherently, as British subjects. In their protest against the Bill for the amendment of the Abolition Act, they state, — "Jamaica is dependent on the

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Crown of England, and she admits the right of the English Parliament to regulate the commerce of the empire; but she rejects, with indignation, its claim to make other laws to govern her." Now, notwithstanding what has fallen from the Noble and Learned Lord opposite, I am disposed to think that there is a connection between that protest and the third resolution of the House of Assembly. If they have correctly stated their rights in that protest, the Prisons Bill is undoubtedly a violation of those rights; and although your Lordships all concurred as to the principle of that Bill, when it passed, no point of honour should prevent you from repealing it, if you believe the statement contained in that protest. When I consider that the highest legal authorities, and all the eminent statesmen in both Houses of Parliament, supported that Bill, while not a single Member, in either House, offered a word in opposition to it, — when I contrast the apathy that was evinced towards it, with the hostility which is shown against the present, and was, against the previous Bill, — I think I am justified in saying,—whatever may be your Lordships' opinions now,—that when the Prisons Bill was before you, you did not consider that Parliament, in passing it, would be exceeding their constitutional powers, or violating the inherent rights of the colony of Jamaica. There appears to be but one opinion, among all parties, as to the inexpediency of repealing the Prisons Bill. But if the House be not prepared to repeal that Act, it refuses to make the reparation which the House of Assembly specifically demands. I am aware that it has been said, that such a demand is not made,— that such words as "a repeal of the Prisons Act" are not to be found in the resolutions;—that they are not in the bond. I must, however, say, that I see very little force in that argument, which is entirely refuted by the tenour of the resolutions. In them, the Assembly set forth, both positively and negatively, the conditions upon which it will consent to resume its functions. It states, that it will not do so until her Majesty's gracious pleasure shall be made known, whether her subjects of Jamaica are thenceforth to be treated as subjects with the power of making laws, which they have previously had, for their own government. Now, what is meant by the power of making laws? Why this,—that they should have the privilege of passing Bills, as a Legislature holding directly from the Crown, and independently of the British Parliament,—whose right to make laws for them "they reject with indignation." Then, is the House prepared to admit the right of the House of Assembly to legislate to that extent? If it be not, it refuses the condition which is annexed to their resuming their functions. Then, look at the other alternative mentioned in the resolutions; it is this,—"or whether they are to be treated as a conquered colony, and governed by parliamentary legislation, Orders in Council, or, as in the case of the late amended Abolition Act, by investing the Governor of the island with the power of issuing proclamations, having the force of law, over the lives and properties of the people." That is precisely the power which is given to the Governor by the Prisons Bill; and therefore the repeal of that Bill is necessary, in order to satisfy the requisitions of the House of Assembly. If these conditions be not complied with, what reasonable ground is there for expecting that the House of Assembly will resume its functions? And will the House, without any such expectation, consent to run the risk of prolonging the evils arising from the absence of all legislation in the island? I believe that many of your Lordships have been induced to go into committee upon this Bill, in the expectation of being able to render it palatable to the House of Assembly. I firmly believe that all such hopes and expectations are illusory. The counsel for the Assembly told your Lordships that the present measure was a more obnoxious and offensive violation of the constitution of the colony than the former Bill. The Assembly, through their counsel, object, not to the details, but to the principle, of the measure. Their objection would not be removed by the proposed omission of one clause; and the result of the amendment would be, that the British Parliament would incur all the odium, while it would not accomplish half the good, that would arise from passing the Bill in an unmutilated state. With these views, I think that your Lordships would not act wisely by concurring in the proposition of the Noble and Learned Lord (Lord Lyndhurst).

VISCOUNT ST. VINCENT. — At this late hour of the night, it is not my intention to detain your Lordships with more than one observation. With reference to many of the evils which have been alleged to exist in Jamaica, my opinion is, that they might have been corrected if the Colonial Office in this country, and the Governors of Jamaica, had fully known their duty and powers. It is not a fair interpretation of the language used by the House of Assembly,

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to say that that body intends to set up a claim in opposition to the authority of the British Parliament.

The MARQUESS of NORMANBY. — I wish to say one word as to the question put by the Noble and Learned Lord (Lord Brougham), touching the reason why this Act, intended for the benefit of the negroes, does not extend to some of the smaller colonies? My answer is, that there exists an assignable cause for interfering in the case of Jamaica, while no such cause exists with regard to the other colonies. One island to which the Noble and Learned Lord has referred — Barbadoes — has proceeded to legislate in a satisfactory spirit; and from Tobago and St. Vincent accounts have been received to the effect that the Legislatures of those colonies have adopted measures in conformity with the Orders in Council.

LORD BROUGHAM. — I applied my observation only to one particular argument of the Noble Marquess, — which was to the effect that the House of Assembly of Jamaica was so badly constituted as to make it desirable to take any opportunity of abolishing it as a sort of nuisance. In answer to that argument, I referred to other colonies, as falling equally within the scope of it.

The MARQUESS of NORMANBY. — That was not my argument. My argument was, that the Assembly, having abrogated their functions, had established a case for a temporary suspension.

LORD BROUGHAM.—If what I have just stated was not the argument of the Noble Marquess, what was the meaning of his description of the ill conduct of the House of Assembly? and of his alleging that they represent neither population nor property?

The committee then divided: —

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Clause expunged accordingly.

On Clause 2. being proposed, —

LORD BROUGHAM said: — My Lords, this is the first time since 1778 that Parliament has ever attempted to tax a free colony without the consent of that colony; and, now, how do you propose to do this? Not in an open, straightforward manner, — by your own act; but, you send out a person to do it for you. But I hold, my Lords, that the Imperial Parliament has no right to interfere in the manner proposed, — that such an interference would be a direct violation of the Act of 1778. I say, it is most unconstitutional in principle to give to any Governor the power to tax a colony by his own act. You say, "Can it be supposed that any Governor would abuse his power at the present day?" But if that principle be once admitted, — if we are to intrust persons with the powers of the Legislature, only because it is not likely they will abuse those powers, — the Parliament may as well suspend its functions, and leave it to the Government to make laws, by Orders in Council — and allow the Privy Council to legislate for the empire. The old principle of the constitution was to withhold confidence where there existed the possibility of abuse. I say, my Lords, this clause is in direct contravention of the spirit of the Declaratory Act of the Imperial Parliament, the 18th of Geo. III.; and in proposing it, the Government do not even adopt the usual form of reciting that Act in the preamble of the Bill, as is customary when it is proposed to alter, amend, or repeal any existing law. My Lords, entertaining the strongest objections to the unconstitutional powers which this clause would confer, I consider it my duty to submit the following amendment, and to take the sense of your Lordships upon it. I propose to insert this proviso: — "Provided always, that nothing in this Act contained be construed to enable the said Governor, without the assent of the said Council, to continue or renew any Bill for the receipt of money, or the appropriation of the same, which may have heretofore been passed by the Assembly, and expired in its operation in the colony."

VISCOUNT MELBOURNE. — I conceive that the proper course for the Noble and Learned Lord to pursue, in conformity with his argument, would be to move that the clause be omitted altogether. If it be intended to concede any powers to the Governor for the renewal of Bills, I really cannot see why Bills of the description mentioned by the Noble and Learned Lord, in his amendment, should be excepted.

LORD BROUGHAM. — I wish to have the whole of the second clause remodelled. It is my firm belief that this portion of the Bill will rankle more than any other

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in the minds of the colonists. I feel assured that it will be looked upon as the very sting of the measure. With the omission of the first clause and the modification of the second, I entertain a most confident belief that we shall attain to that satisfactory conclusion for which all parties are so desirous.

The EARL of DEVON. — I think it would be desirable to omit from the clause all that portion of it which refers to Money Bills.

The MARQUESS of NORMANBY. — If I could believe that this power to renew the Money Bills was not necessary, I would accede to the amendment with pleasure. But I have received information from persons connected with the island, and who are well acquainted with the subject, which convinces me that it is absolutely necessary, in order to provide for the public service, civil and military, to revise some of these annual Bills. Then I would beg to remind your Lordships that the interest on the loan made by this country is chargeable on the fund in the hands of the Receiver General. Therefore, if you strike out this clause, you will throw the burden of supporting the public establishments of Jamaica upon the revenues of this country.

LORD BROUGHAM. — That is a burden which would not rest upon this country more than a couple of months. I understand, from persons well acquainted with the subject, and who, I know, would not deceive me, that the phrase, "keeping faith with the public creditor," signifies, in Jamaica, providing for the public functionaries. I think, however, that it would be better to suffer a loss, than to break through a great constitutional question.

VISCOUNT CANTERBURY. — My Lords, I do not think that such an alteration in the clause as that proposed by the Noble and Learned Lord opposite (Lord Brougham), would be considered in the other House of Parliament as fatal to the Bill; because, looking at the clause itself, I find that it is extremely general, and that it does not give any information as to the number or character of the Acts which are about to expire. But I also find, in the clause which was sent up from the House of Commons, and which has just been expunged by your Lordships, the following proviso:—"That no such ordinance shall impose any rate, tax, or duty, save only in so far as it may be necessary to impose any fine or forfeiture to enforce the observance, or as a penalty for the non-observance, of the provisions of any such ordinance." I contend, my Lords, that the fair inference from the second clause, however vaguely it may be drawn, is, that the drawer of the Bill in the House of Commons never had in contemplation the renewal of any tax whatever. Under these circumstances, I would venture to suggest to your Lordships, that, at all events, it would be rather premature to come to a decision at this moment, either as to the rejection or adoption of the amendment of the Noble and Learned Lord. I would much rather have a little more time to consider a point which is of such importance as affecting the privileges of the House of Commons.

LORD ELLENBOROUGH. — The Noble and Learned Lord opposite (Lord Brougham), in the discussion on the first clause, said he dealt with that clause with freedom, because it had been adopted only by a majority of 10 in a large House, elsewhere. Now, my Lords, the second clause (that which is now under our consideration) comes before this House under very different circumstances. No objection whatever was taken to it,—no division took place upon it,—not a word was said against it,—and it passed the House of Commons unanimously. Then, if your Lordships should deal with this clause in the way suggested by the Noble and Learned Lord, can it be supposed that the House of Commons will at once wholly change their mind, and agree to this amendment? They may consider the clause as connected with their exclusive privilege, and the consequence will be, that the amendment will be unanimously rejected; and if your Lordships persevere in this amendment, the result will be fatal to the passing of the measure. This, I think, ought not to be the case. It is necessary that something should be done:—some measure should be passed, for the purpose of carrying on the government of the colony of Jamaica. I cannot consider the House of Assembly justified in the position they have taken up; and I am ready—nay, I think it necessary, not only in justice to your Lordships, and our own dignity and authority, but also in mercy to the people of Jamaica—to give them an intimation that the British Parliament are determined to exercise their right of superintending the whole government of that colony; and that, though the House of Assembly may, the British Legislature will not, abrogate the duties it has to discharge. Therefore, my Lords, I think it would be impolitic wholly

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to throw out the measure; and, viewing the question in this light, I do hope the Noble and Learned Lord will consent to postpone his amendment for further consideration in another stage of the Bill, in order to afford time for the mature consideration of so important an alteration.

LORD BROUGHAM. — Being in the hands of the House, and perceiving the general feeling, I will postpone my amendment until the Report shall be brought up; — at which stage I shall feel it incumbent upon me to take the sense of the House upon it.

House resumed. Report to be received on Thursday next; and the Lords summoned.

EDUCATION.

The BISHOP of LINCOLN. — I have been requested by my Most Reverend Brother (the Archbishop of Canterbury) to state, for the information of your Lordships, the nature of the motion of which the Most Reverend Prelate has given notice, on the subject of the Government scheme of national education, for Friday next. The motion will be, "To move resolutions (to be communicated in an Address to her Majesty) to include an expression of opinion upon the appointment of the Committee of Privy Council, and upon the plan proposed by them; and to pray her Majesty that a measure so deeply affecting the highest interests of the people may not be finally adopted without affording to this House an opportunity of considering it."

SPIRITS ACT (IRELAND).

Petition for alteration of, — of grocers and spirit dealers of Gort and its localities. — Read, and ordered to lie on the table.

PAPER.

Appendix (D) to Report on the Affairs of British North America, from the Earl of Durham, her Majesty's High Commissioner, &c. &c. &c. — Delivered (by command), and to be printed.

Adjourned.

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HOUSE OF COMMONS.

PRIVATE BUSINESS.

Mellin's Divorce Bill. — Leave given the committee to sit this day till five of the clock.

Newport Dock Bill. — Reported; to be ingrossed.

Liverpool Churches Bill; Monkland and Kirkintilloch Railway Bill. — Lords' amendments agreed to.

Dublin and Drogheda Railway. — Petition for Bill reported; Report referred to the Select Committee on Standing Orders.

London City Police Bill. — Further proceeding on third reading deferred till Thursday, 11th of July.

PUBLIC BUSINESS.

MISCELLANEOUS PETITIONS.

The following petitions were severally presented, and ordered to lie on the table; namely, —

Education, — By Mr. G. PALMER, against the proposed scheme, — from Little Hallingbury; and Aldermaston, &c.

By Mr. FINCH, — from Walsall, in favour of the proposed scheme.

Postage, — By COLONEL LANGTON, Mr. THORNELY, Mr. BROTHERTON, and Mr. T. ESTCOURT, for a low and uniform rate, — from Great Yarmouth; Litcham and East Dereham; Northenden; Dublin (chairman of the Chamber of Commerce); Stratton on the Fosse; Bathford; Box; Pentney; and Devizes (two petitions).

Timber Duties, — By Mr. C. VILLIERS, — from Stockport, for repeal.

Dr. Stoker, — Of William Stoker, M.D., complaining of his being deprived of his situation as physician to the Cork Street Fever Hospital, and praying for inquiry.

Lord's Day, — From Shirley, for better observance.

Foreign Sugar and Coffee, — By Mr. M. PHILIPS and LORD VISCOUNT SANDON, for repeal of duty, — from Manchester; and Liverpool (chairman of the Brazilian Association).

Church Establishment (Canada), — By LORD SANDON, — from Uttoxeter, for extension.

Public Works (Ireland) Bill, — By Mr. O'CONNELL, — of Samuel Dickson, Esquire, against. — To lie on the table, and to be printed.

Notice taken, that forty Members were not present; House counted; and forty Members not being present, the House was adjourned at a quarter before five o'clock

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